



भारत का राजपत्र The Gazette of India

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No. 53]

NEW DELHI, SATURDAY, DECEMBER 31, 1994/PAUSA 10, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक प्रकाशित तथा पेजेंट मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 17 नवम्बर, 1994

का.आ. 3537.—केन्द्रीय सरकार एतद्वारा आतंक-
वादी और विध्वंसक क्रियाकलाप (निवारण) अधिनियम,
1987 (1987 का 28) की धारा 13 की उपधारा (1)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय अन्वेषण
व्यूह, नई दिल्ली के श्री एम.के. सक्सेना, अपर विधि
सलाहकार (मु.) को, उक्त अधिनियम की धारा 9 के
अंतर्गत दिल्ली, नई दिल्ली और शाहदरा में गठित नाम-
निर्दिष्ट न्यायालय में निम्नलिखित मामलों, यथा:—

(1) अपर जिला और सेशन जज के न्यायालय-एवं-आतंक-
वादी और विध्वंसक क्रियाकलाप (निवारण) के
मामलों से संबंधित नामनिर्दिष्ट न्यायालय, कड़कड़ूमा,
शाहदरा, दिल्ली में आरसी-11 (एस)/93-एसआईयू-5/
एसआईसी-II/सीबीआई/नई दिल्ली (पुलिस स्टेशन
प्रीत विहार, दिल्ली की एफआईआर सं. 140,
दिनांक 23-7-93)

(2) अपर जिला और सेशन जज के न्यायालय-एवं-आतंक-
वादी और विध्वंसक क्रियाकलाप (निवारण) के
मामलों से संबंधित नामनिर्दिष्ट न्यायालय, कड़कड़ूमा,
शाहदरा, दिल्ली में आरसी-12 (एस)/93-एसआईयू-
5/एसआईसी-II/सीबीआई/नई दिल्ली (पुलिस स्टेशन
प्रीत विहार, दिल्ली की एफआईआर सं. 141,
दिनांक 23-7-93)

(3) अपर जिला और सेशन जज के न्यायालय-एवं-आतंक-
वादी और विध्वंसक क्रियाकलाप (निवारण) के
मामलों से संबंधित नामनिर्दिष्ट न्यायालय, कड़कड़ूमा,
शाहदरा, दिल्ली में आरसी-13 (एस)/93-एसआईयू-5/
एसआईसी-II/सीबीआई/नई दिल्ली (पुलिस स्टेशन
प्रीत विहार, दिल्ली की एफआईआर सं. 142, दिनांक
23-7-93)

(4) अपर जिला और सेशन जज के न्यायालय-एवं-आतंक-
वादी और विध्वंसक क्रियाकलाप (निवारण) के
मामलों से संबंधित नामनिर्दिष्ट न्यायालय, कड़कड़ूमा,
शाहदरा, दिल्ली में आरसी-14 (एस)/93-एसआईयू-
5/एसआईसी-II/सीबीआई/नई दिल्ली (पुलिस स्टेशन
प्रीत विहार, दिल्ली की एफआईआर सं. 143,
दिनांक 23-7-93)

- (5) अपर जिला एवं सेशन जज के न्यायालय-एवं-आतंकवादी और विध्वंसक क्रियाकलाप (निवारण) के मामलों से संबंधित नामनिर्दिष्ट न्यायालय, कड़कड़मा, शाहदरा, दिल्ली में आरसी-15 (एम)/93-एसआईसी-5/एसआईसी-II/सीबीआई/नई दिल्ली (पुलिस स्टेशन प्रीत विहार, दिल्ली की एकआईआर सं. 144, दिनांक 23-7-93)

तथा दिल्ली विशेष पुलिस स्थापना के विशेष कार्यक्षेत्र द्वारा अर्पित और संस्थित उक्त अधिनियम के अंतर्गत उद्भूत अन्य मामलों में अभियोजन के संचालन के लिए, विशेष लोक अभियोजक नियुक्त करती है।

[सं. 225/17/94-एनडी-II]
आर. एस. विष्ट, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 17th November, 1994

S.O. 3537.—In exercise of the powers conferred by the proviso to sub-section (1) of section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Central Government hereby appoints Shri S. K. Saxena, Additional Legal Adviser (H.Q.) of Central Bureau of Investigation, New Delhi as Special Public Prosecutor for conducting prosecution of the following cases, namely :—

- (1) RC 11(S)/93-SIU-V/SIC-II/CBI New Delhi (FIR No. 140/93 dated 23-7-1993 of Police Station Preet Vihar, Delhi) in the Court of Additional District and Sessions Judge-cum-Designated Court for Terrorist and Disruptive Activities (Prevention) cases, Karkarduma, Shahdara, Delhi;
- (2) RC 12(S)/93-SIU-V/SIC-II/CBI New Delhi (FIR No. 141/93 dated 23-7-93 Police Station Preet Vihar, Delhi) in the Court of Additional District and Sessions Judge-cum-Designated Court for Terrorist and Disruptive Activities (Prevention) cases, Karkarduma, Shahdara, Delhi;
- (3) RC 13(S)/93-SIU-V/SIC-II/CBI New Delhi (FIR No. 142/93 dated 23-7-93 Police Station Preet Vihar, Delhi) in the Court of Additional District and Sessions Judge-cum-Designated Court for Terrorist and Disruptive Activities (Prevention) cases, Karkarduma, Shahdara, Delhi;
- (4) RC 14(S)/93-SIU-V/SIC-II/CBI New Delhi (FIR No. 143/93 dated 23-7-93 Police Station Preet Vihar, Delhi) in the Court of Additional District and Sessions Judge-cum-Designated Court for Terrorist and Disruptive Activities (Prevention) cases Karkarduma, Shahdara, Delhi;
- (5) RC 15(S)/93-SIU-V/SIC-II/CBI New Delhi (FIR No. 144/93 dated 23-7-1993 Police Station Preet Vihar, Delhi) in the Court of Additional District and Sessions Judge-cum-Designated Court for Terrorist and Disruptive Activities (Prevention) cases. Karkarduma, Shahdara Delhi; and

Other cases arising under the said Act investigated and instituted by the Special Task Force of Delhi Special Police Establishment in the Designated Court at Delhi, New Delhi and Shahdara constituted under section 9 of the said Act.

[No. 225/17/94-AVD-II]
R. S. BISHT, Under Secy.

भारतीय रिजर्व बैंक

(ग्रामीण आयोजना और ऋण विभाग)

बंबई, 12 दिसम्बर, 1994

का. आ. 3538.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का अधिनियम सं. 2) की धारा 42 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक एतद्वारा प्रत्येक राज्य सहकारी बैंक को, जिसे फिलहाल उक्त अधिनियम की दूसरी अनुसूची में शामिल किया गया है, उक्त अधिनियम की धारा 42 की उप-धारा (1) के परन्तुक में दिनांक 1 जनवरी 1995 से 31 दिसम्बर 1996 तक आगामी दो वर्षों की अवधि के लिए उस सीमा तक छूट देता है जहां तक कि उसके अंतर्गत जारी की गई किसी भी अधिसूचना के साथ पठित उक्त परन्तुक की अपेक्षा-नुसार कोई अनुसूचित राज्य सहकारी बैंक धारा 42 की उप-धारा (i) में संदर्भित उक्त बैंक की शुद्ध सावधि और मांग देयताओं के 3 प्रतिशत से अधिक औसत दैनिक शेष बनाये रखता है।

[आर पी सी डी सं. 81/07.02.05/94-95]

कु. आई. टी. वाज़, कार्यपालक निदेशक

RESERVE BANK OF INDIA

(Rural Planning and Credit Department)

Bombay, the 12th December, 1994

S.O. 3538.—In exercise of the powers conferred by Sub-Section (7) of Section 42 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934), the Reserve Bank of India hereby exempts every State Co-operative Bank which is for the time being included in the Second Schedule to the said Act from the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 insofar as that proviso read with any notification issued thereunder requires a scheduled state co-operative bank to maintain an average daily balance in excess of 3 per cent of the net time and demand liabilities of the bank referred to in sub-section (1) of Section 42 for a further period of two years from 1st January, 1995 upto 31st December, 1996.

[RPCD. No. 81/07/02/05/94-95]

MS. 1. T. VAZ, Executive Director

बंबई, 12 दिसम्बर, 1994

का. आ. 3539.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का अधिनियम सं. 2) की धारा 42 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक एतद्वारा प्रत्येक राज्य सहकारी बैंक को, जिसे फिलहाल उक्त अधिनियम की दूसरी अनुसूची में शामिल किया गया है, उक्त अधिनियम की धारा 42 की उप-धारा (1ए) के उपबंधों से दिनांक 1 जनवरी, 1995 से 31 दिसम्बर, 1996 तक मुक्त करता है।

[आर पी सी डी सं. 82/07.02.05/94-95]

कु. आई. टी. वाज़, कार्यपालक निदेशक

Bombay, the 12th December, 1994

S.O. 3539.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934), the Reserve Bank of India hereby exempts every State Co-operative Bank which is for the time being included in the Second Schedule to the Act from the provisions of Sub-section (1A) of Section 42 of the Reserve Bank of India Act, 1934 for a period from 1 January 1995 to 31 December 1996.

[RPCD. No. 82/07/02/05-94-95]

MS. J. T. VAZ, Executive Director

बम्बई, 12 दिसम्बर, 1994

का. आ. 3540.—भारतीय रिज़र्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिज़र्व बैंक एतद्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम 1976 (1976 का 21) के अंतर्गत गठित समस्त क्षेत्रीय ग्रामीण बैंकों को भारतीय रिज़र्व बैंक अधिनियम 1934 की धारा 42 की उप-धारा (1) के उपबंधों से दिनांक 1 जनवरी 1995 से 31 दिसम्बर 1996 तक आगामी दो वर्षों के लिए मुक्त करता है।

[आरपीसीडी. सं. 84/07/02/05-94/95]

कु. आई. टी. वाज़, कार्यपालक निदेशक

Bombay, the 12th December, 1994

S.O. 3540.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976) from the provisions of the proviso to sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 for a further period of two years commencing from 1 January 1995 to 31 December 1996.

[RPCD. No. 84/07/02/05/94-95]

MS. I. T. VAZ, Executive Director

बम्बई, 12 दिसम्बर, 1994

का. आ. 3541.—भारतीय रिज़र्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिज़र्व बैंक एतद्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) के अंतर्गत गठित समस्त क्षेत्रीय ग्रामीण बैंकों को

भारतीय रिज़र्व बैंक अधिनियम, 1934 की धारा 42 की उप-धारा (1ए) के उपबंधों से दिनांक 1 जनवरी 1995 से 31 दिसम्बर 1996 तक मुक्त करता है।

[आरपीसीडी. सं. 85/07/02/05-94/95]

कु. आई. टी. वाज़, कार्यपालक निदेशक

Bombay, the 12th December, 1994

S.O. 3541.—In exercise of the powers conferred by sub-section (7) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby exempts all Regional Rural Banks constituted under the Regional Rural Banks Act, 1976 (21 of 1976) from the provisions of sub-section (1A) of Section 42 of the Reserve Bank of India Act, 1934 for a period from 1 January 1995 to 31 December 1996.

[RPCD. No. 85/07/02/05/94-95]

MS. I. T. VAZ, Executive Director

नागरिक पूर्ति, उपभोक्ता मामले और
सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 14 दिसम्बर, 1994

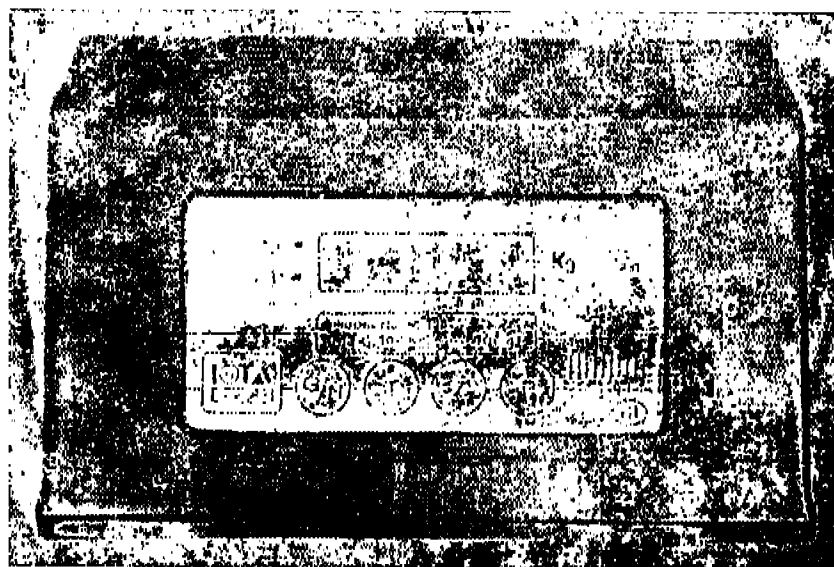
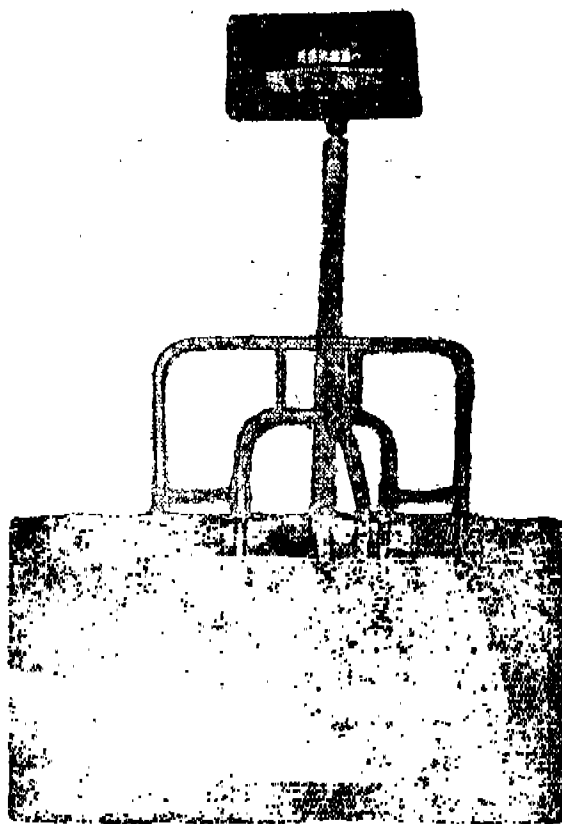
का. आ. 3542.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित प्रतिमान, वाट और माप मानक अधिनियम, 1976 (1976 का 60) और वाट और माप मानक (प्रतिमान का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और यह संभावना है कि उक्त प्रतिमान लंबी अवधि तक अविरत उपयोग के संबंध में ठीक बना रहेगा और परिष्कृत दशाओं में सही सेवा देगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुई, मैसर्स सनशाइन वे सिस्टम्स प्राइवेट लिमिटेड, 23/2, जी. आई. टी. सी., फेज II, वारवा, अहमदाबाद-

382445, द्वारा विनिमित "आयोटा" शॉड नाम वाले एम-1001 सिरीज के स्वतः सूचक, अस्वचालित तोलन उपकरण के प्रतिमान का (जिसे इसमें इसके पश्चात् प्रतिमान कहा गया है) और जिमें अनुमोदन चिह्न आई. एन. डी./09/94/37-समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

इसके अतिरिक्त, केन्द्रीय सरकार, उक्त धारा की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि प्रतिमान के अनुमोदन के द्वारा प्रमाणपत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उन्ही सामग्री से, जिनसे अनुमोदित प्रतिमान का विनिर्माण किया गया है, विनिमित उसी सिरीज के समरूप मेक शुद्धता और कार्यकरण वाले 50 किलोग्राम, 200 किलोग्राम, 500 किलोग्राम, 1 टन और 2 टन की अधिकतम क्षमता वाले तोलन उपकरण भी आएंगे।

प्रतिमान (आकृति देखिए) एक मध्यम शुद्धता (शुद्धता वर्ग 3) वाला तोलन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतर (ई.) 20 ग्राम है इसमें एक पेंगो टेरे मुक्ति



(आकृति)

है जिसका व्यक्तिनात्मक प्रतिधारण टेरे प्रभाव शून्य प्रतिष्ठित है। इसका आधार और प्लेटफार्म मृदु स्टील के बने हैं। प्लेटफार्म का आकार वर्गाकार है जिसकी एक तरफ की लम्बाई 500 मिलीमीटर है। प्रकाश उत्सर्जक डायोड प्रदर्श तोल परिणाम

अपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर चलाया जाता है।

[फा. मं. डक्यू एन-21(4)/92]

राजीव श्रीवास्तव, सयुक्त सचिव

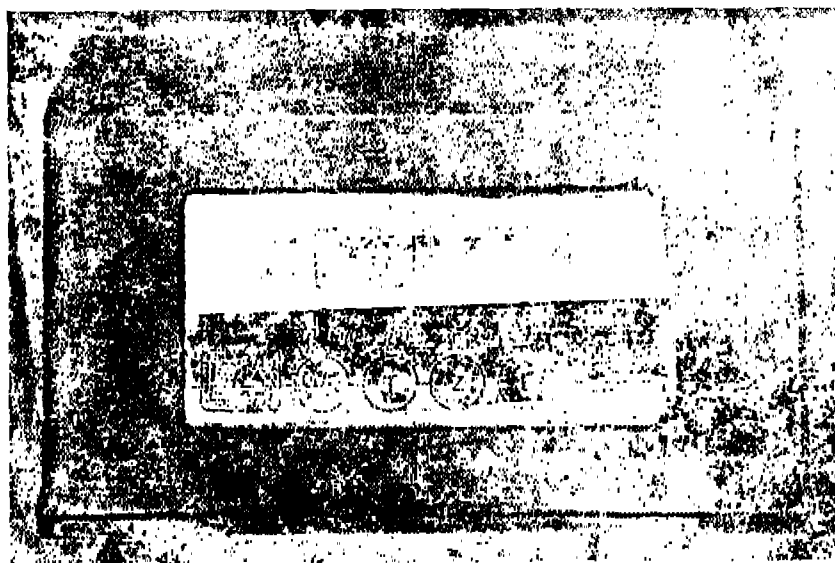
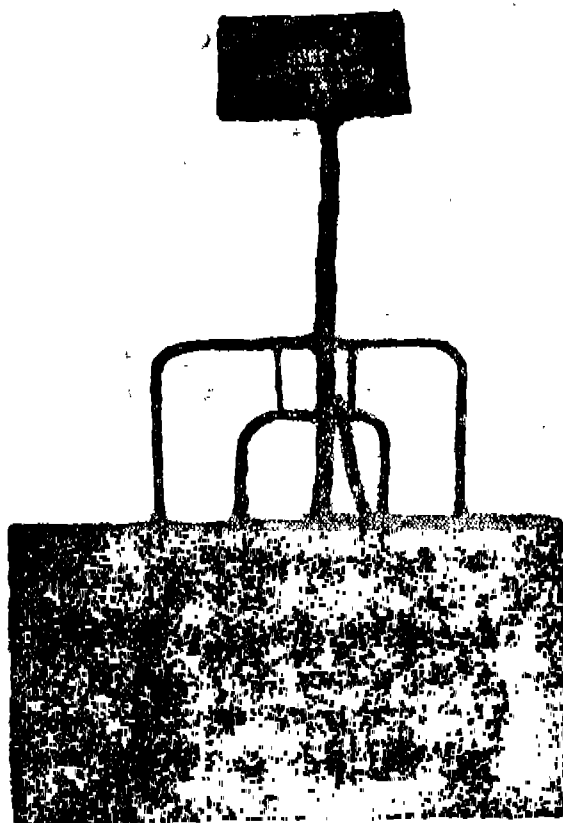
MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION

New Delhi, the 14th December, 1994

S.O. 3542.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act the Central Government hereby publishes the certificate of approval of the Model of the self indicating, non-automatic weighing instrument of M-1001 series with brand name IOTA (hereinafter referred to as the Model) manufactured by M/s. Sunshine Weigh Systems Private Limited, 23/2, GIDC, phase II Vatva, Ahmedabad-382445, and which is assigned the approval mark IND/09/94/37.

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument with similar make, accuracy and performance of the same series and with maximum capacity of 50 kilogram, 200 kilogram, 500 kilogram, 1 tonne and 2 tonne manufactured by the same manufacturer in accordance with the same principle and with the same materials with which the approved Model has been manufactured.



(Figure)

The Model (see figure) is a medium accuracy (Accuracy Class III) weighing instrument with a maximum capacity of 100 kilogram and a minimum capacity of 400 gram. The verification interval (e) is 20 gram. It has a tare device with a 100 percent subtractive retained tare effect. The base and the platform are made up of mild steel. The platform is square in shape with side length of 500 millimetre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volt, 50 hertz alternate current power supply.

[F. No. WMI-21(4)/92]

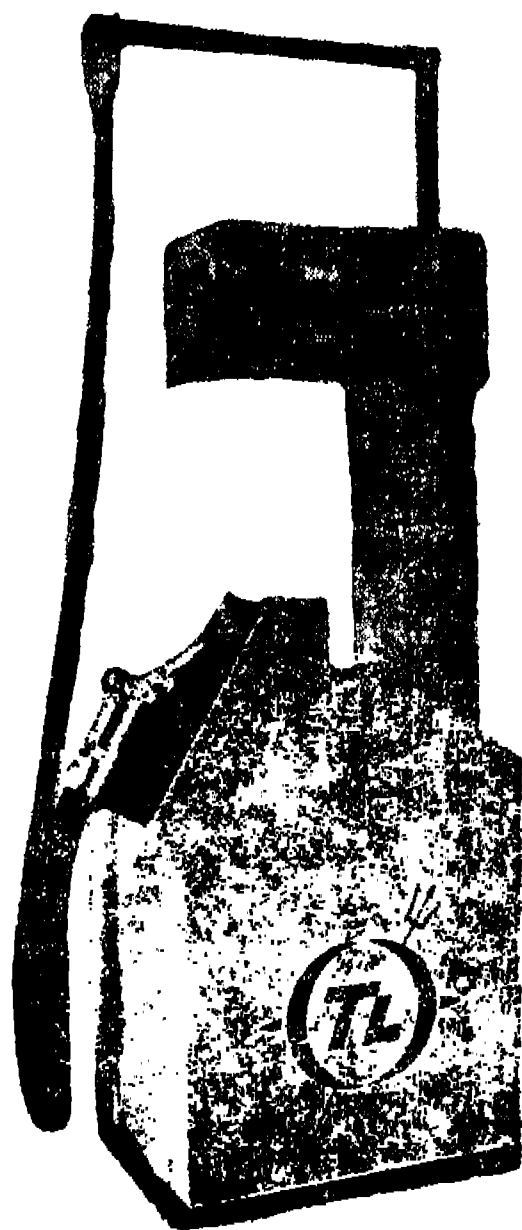
RAJIV SRIVASTAVA, Jr. Secy.

नई दिल्ली 11 दिसम्बर, 1994

का. प्रा. 3543 —केंद्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित प्रतिमान, बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (प्रतिमान का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और यह संभावना है कि उक्त प्रतिमान वस्तु प्रबंधन के अधिकृत उपयोग के

संबंध में ठीक बना रहेगा और परिवर्तित दशाओं में सही सेवा देगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स तारु लालवानी इंजीनियरिंग प्राइवेट लिमिटेड, आफ नगर रोड, पुणे-411014 द्वारा निर्मित "टी एल" किस्म के और "आयलिंग" ब्रांड नाम वाले स्वतः मिश्रण योजन पम्प के प्रतिमान का (जिसे इसमें इसके पश्चात् प्रतिमान कहा गया है) और जिसे अनुमोदन चिह्न आईएन डी 09/94/24 समुद्देशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



आकृति

प्रतिमान (आकृति दीक्षित) यांत्रिक किस्म का एक स्वतः मिश्रण योजन पम्प है। इसमें अलग अलग होजों के द्वारा तेल और ईंधन परिदत्त करने की व्यवस्था है जो अन्ततः ईंधन और तेल का मिश्रण परिदत्त करने के लिए टोंटी पर जुड़े हुए है। तेल अनुपात का वांछित ईंधन मात्रा के .0%, 2%, 3%, 4% और 5 % तक नियत किया जा सकता है। संप्रदर्श तेल की मात्रा और परिदत्त ईंधन मिश्रण को दर्शित करता। शून्य प्रतिशत तक तेल अनुपात का बिना किसी तेल के शत प्रतिशत ईंधन परिदत्त करना संभव है। तथापि, बिना किसी ईंधन के केवल तेल परिदत्त करना संभव नहीं है। ईंधन मिश्रण के लिए संप्रदर्श अधिकतम 999.99 लीटर तक पाठ्यांक दर्शित कर सकता है।

प्रतिमान का तेल अनुपात की निम्न-निम्न प्रशियमता पर परिदत्त तेल को मात्रा के लिए तथा सारंभ में और नियमित अंतरालों पर परिदत्त मिश्रण की निम्न-निम्न मात्रा के लिए परीक्षण किया गया है। तेल मीटर और पेट्रोल मीटर की अलग-अलग गुणावन्द किया जाएगा।

[फा. सं. डब्ल्यू.एम-21(38) 92]

राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 14th December, 1994

S.O. 3543.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by subsection (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-mix dispensing pump of type 'TL' and with brand name "OILING" (hereinafter referred to as the model manufactured by M/s. Taru Lalwani Engineering Pvt. Ltd., Off Nagar Road, Pune-411014 and which is assigned the approval mark JND/09/94/24.

मानव संसाधन विकास मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 5 दिसम्बर, 1994

का०आ० 3544.—केन्द्रीय सरकार राजभाषा (संघ के आधिकारिक प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय को, जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

- (1) राष्ट्रीय अभिलेखागार, भारत,
जनपथ, नई दिल्ली-110001

[सं० 1-1/93-हिन्दी]

राजेन्द्र सिंह, उपनिदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Culture)

New Delhi, the 5th December, 1994

S.O. 3544.—In pursuance of sub-rule (4) of Rules 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Govt. hereby notifies the following office under the Ministry of Human Resource Development, Department of Culture, more than 80 per cent staff of which has acquired working knowledge of Hindi :—

- (1) National Archives of India,
Janpath,
New Delhi-110001.

[No. 1-1/93-Hindi]

RAJENDRA SINGH, Dy. Director (O.I.)

(महिला एवं बाल विकास विभाग)

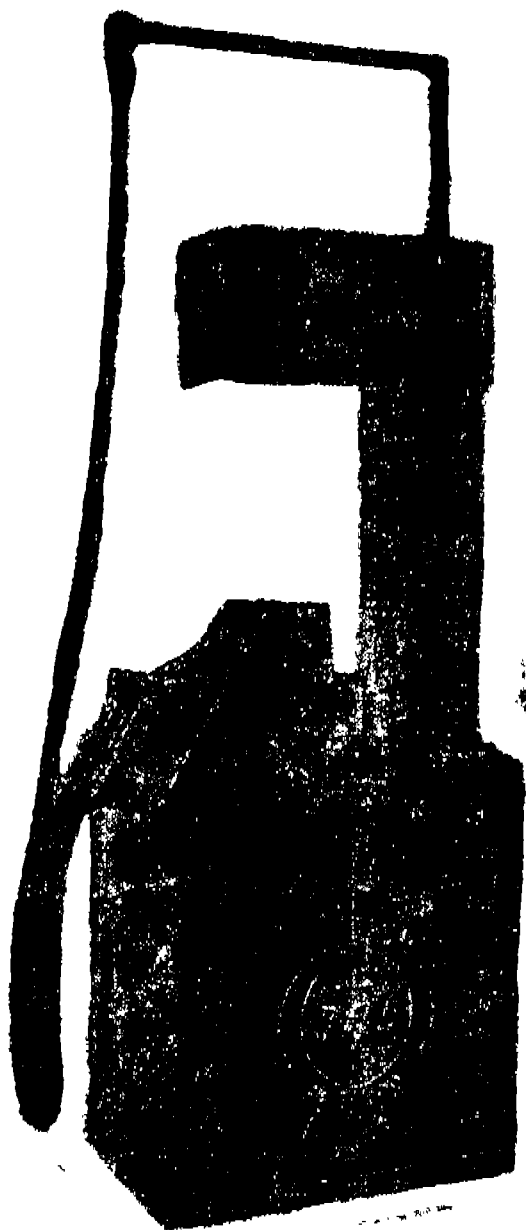
पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले में राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 6 दिसम्बर, 1994

का०आ० 3545.—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा किए गए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खण्ड 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आवेदन देती है कि नीचे दिए गए व्योरे के अनुसार रु 88,00,000/- (अष्ट्यासी लाख केवल मात्र) इंडियन ऑयल कॉर्पोरेशन लिमिटेड, नई दिल्ली में एक वर्ष के लिए फिक्स डिपॉजिट योजना के अन्तर्गत 12% की ब्याज दर से 17-11-94 को निवेश की गई :

क्रम सं	राशि	पिछले निवेश की तारीख	भुगतान की तारीख	अभियुक्तियां
1.	18,00,000/-	29-10-89	29-10-94	
2.	70,00,000/-	09-11-93	09-11-94	

[File No. WM-21(38)/92]
RAJIV SRIVASTAVA, Jt. Secy.



(Figure)

The Model (see figure) is a self-mix dispensing pump of mechanical type. It has a provision to deliver oil and fuel through separate hoses which are finally connected at nozzle to deliver the mixture of fuel and oil. The oil ratio can be set to 0 per cent, 2 per cent, 3 per cent, 4 per cent and 5 per cent of the desired fuel quantity. The display registers the quantity of oil and fuel mixture delivered. It is possible to deliver 100 per cent fuel without any oil by setting the oil ratio to zero per cent. However, it is not possible to deliver oil alone without any fuel. The display for the fuel mixture can register the reading upto a maximum of 999.99 litre.

The model has been tested for volume of oil delivered at different percentage of oil ratio and for different volume of mixture delivered initially as well as at regular intervals. The oil meter and the petrol meter shall be sealed separately.

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सां० आ० 120(ई) की अधिवृत्तना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पुर्त विन्यास के खर्जांकी के नाम होगा।

[सं 13-6/94-टीआर]
रतन चन्द, अवर सचिव

(Department of Women & Child Development)
IN THE MATTER OF THE CHARITABLE
ENDOWMENTS ACT 1890 (6 OF 1890)
IN THE MATTER OF THE NATIONAL CHILD-
REN'S FUND, NEW DELHI

New Delhi, the 6th December, 1994

S.O. 3545.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 4 of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 88,00,000/- (Rupees Eighty eight lakh only) as per particulars given below be invested in Fixed Deposit Scheme for 1 year in Indian Oil Corporation Limited, New Delhi at the rate of interest 12 per cent per annum w.e.f. 17-11-1994.

S.No.	Amount (Rs.)	Date of investment	Date of maturity
1.	18,00,000/-	29-10-89	29-10-94
2.	70,00,000/-	09-11-93	09-11-94

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-6/94-TR]
RATTAN CHAND, Under Secy.

पुर्त विन्यास अधिनियम, 1890 (1890 का 6) के मामले में राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 6 दिसम्बर, 1994

का आ 3546.—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा किए आवेदन पर और उनकी सहमति से पुर्त विन्यास अधिनियम 1890 (1890 का 6) क खण्ड 4 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय

सरकार एतद्वारा आदेश देती है कि नीचे दिए गए व्योरे के अनुसार रू० 1,67,00,000/- (एक करोड़ सड़सठ लाख केवल मात्र) इंडियन ऑयल कॉर्पोरेशन लिमिटेड, नई दिल्ली में तीन वर्षों के लिए संचयी जमा योजना के अन्तर्गत के लिए 14% की व्याज दर में 4-11-94 को निवेश की गई:

क्रम सं	राशि	पिछले निवेश की तारीख	भुगतान की तारीख	अभि-युक्तियां
1.	10,00,000	22-10-89	22-10-94	
2.	10,00,000	23-10-89	23-10-94	
3.	12,00,000	11-07-94	29-10-94	
4.	1,35,00,000	30-10-93	30-10-94	

2 भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सां० आ० 120(ई) की अधिवृत्तना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पुर्त विन्यास के खर्जांकी के नाम होगा।

[सं 13-6/94-टीआर]
रतन चन्द, अवर सचिव

IN THE MATTER OF THE CHARITABLE
ENDOWMENTS ACT 1890
(6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S
FUND, NEW DELHI

New Delhi, the 6th December, 1994

S.O. 3546.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 4 of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 1,67,00,000/- (Rupees One crore and Sixty seven lakh only) as per particulars given below be invested in Cumulative Deposit Scheme for 3 years in Indian Oil Corporation Limited, New Delhi at the rate of interest 14% per annum w.e.f. 4-11-94.

Sl. No.	Amount (Rs.)	Date of investment	Date of maturity
1.	10,00,000	22-10-89	22-10-94
2.	10,00,000/-	23-10-89	23-10-94
3.	12,00,000/-	11-07-94	29-10-94
4.	1,35,00,000/-	30-10-93	30-10-94

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme, for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120 (E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-6/94-TR]
RATTAN CHAND, Under Secy.

(शिक्षा विभाग)

नई दिल्ली, 16 दिसम्बर, 1994

का.प्रा. 3547.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित स्वायत्त संगठन को जिसमें 80% में अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय,
क्षेत्रीय केन्द्र, ई-7/62, अरेरा कालोनी,
नजदीक बस स्टॉप नं. 11,
भोपाल-462016

[सं. 11011-2/92-रा.भा. ए.]
निशेन्दु ओझा, निदेशक (राजभाषा)

(Deptt. of Education)

New Delhi, the 16th December, 1994

S.O. 3547.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (use for Official Pur-

कोयला मंत्रालय

नई दिल्ली, 13 दिसम्बर, 1994

का.प्रा. 3548—केन्द्रीय सरकार, ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 8 जनवरी, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.प्रा. 79, तारीख 16 दिसम्बर, 1993 द्वारा इस अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 4114.798 हैक्टर (लगभग) या 10167.66 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उससे संलग्न अनुसूची में वर्णित 3952.067 हैक्टर (लगभग) या 9765.56 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने, खोज करने, उन्हें प्राप्त करने और उन पर कार्य करने तथा उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एन./बी.एस.पी. : सी.जी.एम./पी. एल.जी./134, तारीख 6 जून, 1994 का निरीक्षण कलक्टर, ग्राह्णोल/सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला निर्यतक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्थान अनुभाग), सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबन्ध हैं :—
अर्जन की बाबत आपत्तियां—

“8. (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि पर या उस पर के किन्हीं अधिकारों का अर्जन किये जाने के बारे में आपत्ति कर सकेगा।

pose of the Union) Rules 1976, the Central Government hereby notifies the following Subordinate Office of the Ministry of Human Resource Development (Deptt. of Education) more than 80% Staff of which has acquired working knowledge of Hindi :—

Indira Gandhi National Open
University,
Regional Centre, E-7/62, Arera Colony,
Near Bus stop No. 11,
Bhopal-462016.

[No. 11011-2/92-O.L.U.]
NISHENDU OJHA, Director (O.L.)

CORRIGENDUM

New Delhi, the 1st December, 1994

S.O. 3549.—In the notification of the Government of India in the then Ministry of Energy (Department of Coal) number S.O. 2127, dated the 3rd August, 1989, published at pages 2602 to 2610 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th September, 1989, at page 2607, in line 18, for “search or” read “search for”.

[No. 43015/11/86-CA/LSW]
N. BHAGAT, Director

स्पष्टीकरण—इस धारा के अर्थात्तर्गत यह आपत्ति नहीं मानी जायेगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिये स्वयं खनन सक्रियायें करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिये।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जायेगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या किसी विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में भिन्न-भिन्न रिपोर्टें, आपत्तियों पर अपनी सिफारिशों और उनके द्वारा की गई कार्यवाही के अभिलेख सहित केन्द्रीय सरकार को उसके विनिश्चय के लिये देगा।

(3) इस धारा के प्रयोजनों के लिये, वह व्यक्ति किसी भूमि में हितवद्ध समझा जायेगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उस पर के किन्हीं अधिकारों को इस अधिनियम के अधीन अर्जित कर लिया जाता।

टिप्पण 3 : केन्द्रीय सरकार ने, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 4 अप्रैल, 1987 के पृष्ठ 1397 से 1400 पर प्रकाशित अधिसूचना सं. का.आ. 905, तारीख 20 मार्च, 1987 द्वारा कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

अमृतधारा और सरिया खंड

हसवेव क्षेत्र

जिला—शहडोल और सरगुजा, (मध्य प्रदेश)

(रेखांक संख्यांक एस.ई.सी.एल./बी.एस.पी./सी.जी.एम./पी.एल.जी./134, तारीख 6 जून, 1994)

खनन अधिकार

राजस्व भूमि

(भूमि अर्जित करने के आशय को दर्शाते हुए)

क्रम संख्यांक	ग्राम/मौजा	बंबोबस्त संख्यांक	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1	2	3	4	5	6	7
1. मलगा		826	कोतमा	शहडोल	688.242	भाग
2. भाटीसरई		790	कोतमा	शहडोल	348.203	भाग
3. टांकी		376	कोतमा	शहडोल	561.129	भाग
योग					1517.574	
वन भूमि						
1. डुमरकछार		404	कोतमा	दक्षिणी शहडोल	90.505	भाग
2. मलगा		826	कोतमा	दक्षिणी शहडोल	1165.047	भाग
3. भाटीसरई		790	कोतमा	दक्षिणी शहडोल	595.686	भाग
4. टांकी		376	कोतमा	दक्षिणी शहडोल	365.800	भाग
5. कोड़ा (आरक्षित वन)		—	चिरीमिरी (मनेन्द्रगढ़)	कोरिया (सरगुजा)	217.535	भाग
योग					2434.493	
सकल योग :				3952.067 हैक्टर (लगभग)		
				या 9765.56 एकड़ (लगभग)		

1. ग्राम डूमरकछार (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक: 103 से 105, 197 और 265 ।

2. ग्राम मलगा (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक: 1 से 211 214 (भाग) 215 (भाग) 230 (भाग) 239 (भाग) 240 241 (भाग) 246 (भाग) 247 (भाग) 248 (भाग) 252 (भाग) 253 (भाग) 254, 255 (भाग) 256 (भाग) 261 (भाग) 262 263 (भाग) 264 (भाग) 265 (भाग) 266 से 2462 174/2463 46/2464 156/2465, 172/2466 173/2467 316/2468 369/2469 505/2470 749/2471 1344/2472 1716/2473 2272/2474 2059/2475 और 2059/2476

3. ग्राम भाटीसरई (सम्पूर्ण) में अर्जित किए जाने वाले प्लॉट संख्यांक: 1 से 656, 8/657, 65/658, 352/659, 362/660, 201/661, 201/662, 520/663, 375/664, 361/665 और 361/666 ।

4. ग्राम टांकी (सम्पूर्ण) में अर्जित किए जाने वाले प्लॉट संख्यांक: 1 से 45 ।

5. कोडा आरक्षित वन (भाग), में अर्जित किये जाने वाले कम्पार्टमेंट संख्यांक: 617 (भाग), 618 (भाग), और 619 (भाग) ।

सीमा वर्णन :

क-ख-ग-ग1-घ

रेखा ग्राम मलगा, घुम्माटोला, भलवाही की त्रिसीमा बिन्दु पर “क” बिन्दु से आरंभ होती है तथा ग्राम मलगा और भलवाही, मलगा और भरतराई, मलगा और आमायांड की सम्मिलित सीमा के साथ-साथ जाती है और ग्राम मलगा, आमायांड और फुलकोना के त्रिसीमा बिन्दु पर बिन्दु “घ” पर मिलती है।

घ-ङङ1-च

रेखा ग्राम मलगा और फुलकोना ग्राम की सम्मिलित सीमा के साथ-साथ जाती है, उसके बाद भागतः, ग्राम डूमरकछार और फुलकोना की सम्मिलित सीमा के साथ-साथ जाती है फिर प्लॉट संख्यांक 130, 104, 105, 197, 265 की उत्तरी सीमा के साथ-साथ ग्राम डूमरकछार से होकर जाती है और बिन्दु “च” पर मिलती है।

च-च1-च2-च3-छ-छ1-छ2-ज

रेखा प्लॉट संख्यांक 265 की पूर्वी सीमा के साथ-साथ ग्राम डूमरकछार से होकर जाती है उसके बाद ग्राम मलगा में प्रवेश करती है और प्लॉट संख्यांक 207 की पूर्वी सीमा, प्लॉट संख्यांक 211, 214 की उत्तरी सीमा के साथ-साथ जाती है उसके बाद प्लॉट संख्यांक 214, 215 से होकर जाती है, उसके बाद प्लॉट संख्यांक 266, 265 की उत्तरी सीमा से होकर जाती है और प्लॉट संख्यांक 265, 264, 263, 261 से होकर जाती है और बिन्दु “ज” पर ग्राम मलगा और भाटीसरई की सम्मिलित सीमा पर मिलती है।

ज-ज1-ज2-ज3-झ

रेखा प्लॉट संख्यांक 261, 255, 256, 253, 252, 248, 247, 246, 241, 238, 239 से ग्राम मलगा होकर जाती है और बिन्दु “झ” पर शहडोल और सरगुजा जिले की सम्मिलित सीमा पर मिलती है।

झ-ञ

रेखा भागतः शहडोल और सरगुजा जिलों की सम्मिलित सीमा के साथ-साथ जाती है, उसके बाद सरगुजा जिले में प्रवेश करती है और वन कम्पार्टमेंट संख्यांक 617, 618, 619 से होकर जाती है और बिन्दु “ज” पर मिलती है।

ञ-ट

रेखा भागतः शहडोल और सरगुजा जिलों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु “ट” पर मिलती है।

ट-ठ

रेखा भागतः शहडोल और बिलामपुर जिलों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु “ठ” पर मिलती है।

ठ-ड-ड-क

रेखा ग्राम टांकी और पंडरीपानी, भाटीसरई, और पंडरीपानी, मलगा और पंडरीपानी, मलगा और घुम्माटोला की सम्मिलित सीमाओं के साथ-साथ जाती है और आरंभिक बिन्दु “क” पर मिलती है।

New Delhi, the 13th December, 1994

S.O. 3543.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 79, dated the 16th December, 1993, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 8th January, 1994, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for coal in 4114.798 hectares (approximately) or 10167.66 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 3952.067 hectares (approximately) or 9765.56 acres (approximately) described in the schedule appended hereto;

Note 1.—The plan bearing No. SECL/BSP/CGM/PLG/134 dated 6th June, 1994 of the area covered by this notification may be inspected in the office of the Collector, Shahdol Surguja (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta, 700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur, 495001 (Madhya Pradesh).

Note 2.—Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows :
Objection to acquisition :

"8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act".

Note 3. The Coal Controller, 1, Council House Street Calcutta, 700001, has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 905, dated the 20th March, 1987, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th April, 1987 at pages 1397 to 1400.

SCHEDULE

AMRITDHARA AND JHIRIA BLOCKS

HASDEO AREA

DISTRICT—SHAHDOL AND SURGUJA (MADHYA PRADESH)

(Showing intention to acquire lands)

MINING RIGHTS

Revenue Land

(Plan number SECL/BSP/CGM/PLG/134, dated 6th June, 1994)

S. No.	Village/Mouza	Settlement number	Tehsil	District	Area in hectares	Remarks
1.	Malga	826	Kotma	Shahdol	608.242	Part
2.	Bhatisarai	790	Kotma	Shahdol	348.203	Part
3.	Tanki	376	Kotma	Shahdol	561.129	Part
Total					1517.574	
Forest Land						
1.	Dumarkachhar	404	Kotma	South Shahdol	90.505	Part
2.	Malga	826	Kotma	South Shahdol	1165.047	Part
3.	Bhatisarai	790	Kotma	South Shahdol	595.605	Part
4.	Tanki	376	Kotma	South Shahdol	365.800	Part
4.	Kora (Reserved Forest)	—	Chirimiri	Korea	217.535	Part
				(Manendragarh) (Surguja)		
Total					2434.493	
Grand Total		3952.067 hectares (approximately) or 9765.56 acres (approximately)				

1. Plot numbers to be acquired in village Dumarkachhar (part).—103 to 105, 197 and 265.

2. Plot numbers to be acquired in village Malga (part).—1 to 211, 214 (part), 215 (part), 238 (part), 239 (part), 240, 241 (part), 246 (part), 247 (part), 248 (part), 252 (part), 253 (part), 254, 255 (part), 256 (part), 261 (part), 262, 263 (part), 264 (part), 265 (part), 266 to 2462, 174/2463, 46/2464, 156/2465, 172/2466, 173/2467, 316/2468, 369/2469, 505/2470, 749/2471, 1344/2472, 1716/664, 2272/2474, 2059/2475 and 2059/2476.

3. Plot numbers to be acquired in village Bhatisarai (full).—1 to 656, 8/657, 65/658, 352/659, 362/660, 201/661, 201/662, 520/663, 375/664, 361/665 and 361/666.

4. Plot numbers to be acquired in village Tanki (full)—1 to 451.

5. Compartment numbers to be acquired in Kora Reserved Forest (part).—617 (part), 618 (part) and 619 (part).

Boundary description :

A-B-C-D.—Line starts from point 'A' on trijunction point of villages Malga, Dhummatola, Bhalwahi and passes along the common boundaries of village Malga and Bhalwahi, Malga and Bartarai, Malga—Awadand and meets on the trijunction point of villages Malga, Awadand and Fulkona at point 'D'.

D-E-F.—Line passes along the common boundary of villages Malga and Fulkona, then partly along the common boundary of villages Dumarkachhar and Fulkona, then through village Dumarkachhar along the northern boundary of plot numbers 103, 104, 105, 197, 265 and meets at point 'F'.

F-F1-F2-F3-G-G1-G2-H.—Line passes through village Dumarkachhar along the eastern boundary of plot number 265, then enters in village Malga and passes along the eastern boundary of plot number 207, northern boundary of plot numbers 211, 214, then through plot numbers 214, 215, then northern boundary of plot numbers 266, 265 and passes through plot numbers 265, 264, 263, 261 and meets on the common boundary of village Malga and Bhatisarai at point 'H'.

H-H1-H2-H3-I.—Line passes through village Malga through plot numbers 261, 255, 256, 253, 252, 248, 247, 246, 241, 238, 239 and meets on the common boundary of District Shahdol-Surguja at point 'I'.

I-J.—Line passes partly along the common boundary of Districts Shahdol and Surguja, then enters in Surguja District and passes through forest compartment numbers 617, 618, 619 and meets at point 'J'.

J-K.—Line passes partly along the common boundary of District Shahdol and Surguja and meets at point 'K'.

K-L.—Line passes partly along the common boundary of District Shahdol and Bilaspur and meets at point 'L'.

L-M-N-A.—Line passes along the common boundaries of villages Tanki and Pandripani, Bhatisarai and Pandripani, Malga and Pandripani, Malga and Dhummatola and meets at the starting point at 'A'.

[No. 43015/15/93-LSW]
N. BHAGAT, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 17 नवम्बर, 1994

का.आ. 3550.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार तत्काल प्रभाव से और दो वर्ष से अनधिक अवधि के लिए अथवा आगामी आदेश तक पेट्रोलियम और प्राकृतिक गैस मंत्रालय के सचिव डा. विजय एल. केलकर की एतद्वारा तेल उद्योग विकास बोर्ड का सदस्य नियुक्त करती है।

[संख्या जी-35012/2/91-वित्त-II]

टी.एस. बालासुब्रह्मण्यन, उप सचिव, (वित्त)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 17th November, 1994

S.O. 3550.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with immediate effect and for a period not exceeding two years, Dr. Vijay L. Kelkar, Secretary, Ministry of Petroleum & Natural Gas, New Delhi, as a Member of the Oil Industry Development Board, or until further orders.

[No. G-35012/2/91-Fin. II]

T. S. BALASUBRAMANIAN, Dy. Secy. (Fin.)

नई दिल्ली, 19 दिसम्बर, 1994

का.आ. 3551.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की (जिसे हमें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1016 तारीख 30 अप्रैल, 1994 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 मई, 1994 उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आगे यह निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विलगनों से मुक्त, इंडियन ग्रायल कारपोरेशन लिमिटेड में निहित होगा :—

अनुसूची

तहसील : रेवाड़ी		जिला : रेवाड़ी		राज्य : हरियाणा	
गांव का नाम	हदबस्त नं.	मुस्ततील नं./किला नं.	क्षेत्र		
			हेक्टर	आरे	सेन्टीआरे
1	2	3	4	5	6
ठांठबालका	139	32			
		17	00	01	77
हुसैनपुर	134	38			
		22/1	00	06	07
		22/2	00	01	26
		46			
		1/2	00	01	26
		2	00	09	61
		9/1	00	00	25
		9/2	00	00	25
		10/1	00	10	62
		11/1	00	00	25
		11/2	00	03	29
		कुतुबपुर मौला	131	26	
22	00			00	25
42					
2	00			04	05
13/1/1	00			04	30
काना माजरा	126	9			
		21/2/2	00	04	05
		15			
		2	00	00	25
		10	00	04	30
बान्दावास	117	17			
		22	00	06	32
		23	00	03	04
		26			
		2	00	09	36
		9	00	09	36

1	2	3	4	5	6
गिन्दोखर	113	38			
		16	00	00	51
		25	00	00	06
		39			
		12	00	02	53
		19	00	01	26
		20	00	03	79
लसानी	220	10			
		7	00	01	26
		8	00	01	01
		13/2	00	09	11
		14	00	00	25
		19/2	00	08	09
		20	00	03	54
मुस्तफापुर	256	34			
		2	00	07	59
		9	00	09	11
		12	00	09	11
		19	00	09	11
रोहड़ाई	230	53			
		20/1	00	04	30
		21/2	00	03	29
		60			
		1	00	01	01
		61			
		6	00	01	01
		15	00	09	61
		16/1/2	00	02	78
		16/2/1	00	00	76
		16/2/3	00	01	77
		25	00	09	11
		70			
		5	00	04	81
पहराजवास	239	37			
		20	00	03	79
		21	00	07	59
		44			
		5	00	01	01
		45			
		1	00	06	58
गुरावडा	245	145			
		8	00	05	06
		12/2	00	01	26
		13	00	07	08
		19	00	04	55
		23/2	00	01	77
		151			
		2	00	09	11

1	2	3	4	5	6
काहूनीरी	242	34			
		18/2	00	00	76
		19/1	00	09	36
		19/2	00	00	11
		22/1	00	05	56
		22/2	00	00	25
		41			
		2	00	09	11
		9/1	00	01	52
		9/2	00	04	55
तहसील : झज्जर		जिला : रोहतक		राज्य : हरियाणा	
1	2	3	4	5	6
अहरी	246	24			
		20/3	00	00	25
		25			
		16	00	09	61
		25/3	00	06	83
		42			
		5/2/1	00	03	79
		6/1	00	00	51
		7/1	00	04	05
		14	00	00	25
बाघनपुर	238	44			
		7	00	03	79
		14/1	00	01	01
		14/2	00	04	55
		14/3	00	03	54
		17/1	00	02	28
		17/3	00	03	54
		24/2	00	09	11
		50			
		4	00	04	81
गिजाड़ोद	260	40			
		16	00	09	36
		25	00	07	33
		49			
		5/1/1/1	00	04	30
		5/1/1/2	00	02	02
		6	00	08	85
सिलानी पाना केशो	263	26			
		23	00	05	06
		24	00	00	25
		57			
		3	00	09	36
		8/1	00	01	52
		13/1	00	08	35
		18	00	07	08

1	2	3	4	5	6
सिलानी पाना जालिम	262	17			
		16	00	03	29
		18			
		11	00	02	78
		12	00	01	77
		20/1	00	00	08
		20/2	00	01	01
क्षेत्र	100	15			
		25/2	00	06	83
		21			
		5/1	00	01	52
		5/2	00	05	06
		5/3	00	00	25
		7	00	05	56
		14/2	00	05	56
		15/1	00	02	53
		15/2	00	01	01
		17	00	01	77
		136			
		24	00	03	04
		164			
		4/1	00	01	26
		4/2	00	01	77
		7	00	00	76
		216			
		8/1	00	03	79
		8/2	00	05	31
		13	00	03	54
		18	00	04	81
		23/2	00	09	11
		248			
		3	00	02	78
		8/1	00	01	26
		8/2	00	02	28
		13	00	02	02
		340			
		18/1	00	00	25
		22/2	00	02	53
		23/1/2	00	06	32
		23/2	00	04	55
		348			
		1/3/1	00	04	05
		2/1	00	00	51
		3	00	01	77
		10/1	00	07	33
		10/2	00	01	77
		349			
		6/1	00	01	01

1	2	3	4	5	6
गराबड	106	27			
		8	00	01	52
		9	00	04	30
		13	00	01	77
		87			
		18	00	06	07
		19	00	02	53
		22	00	06	58
		23	00	01	01
		90			
		2	00	06	83
		9	00	08	35
तहसील : बहादुरगढ़		जिला : रोहतक		राज्य : हरियाणा	
छारा	17	5983/18	00	00	76
		5984/18	00	12	14
		6719/19/1	00	03	79
		6719/19/3	00	00	25
		6720/19/3	00	02	53
		29/3	00	03	54
		46	00	02	53
		47/1	00	06	58
		5676/2128	00	07	84
		6568/5677/2128	00	07	84
		6571/2135	00	13	40
		2136	00	05	82
तहसील : रोहतक		जिला : रोहतक		राज्य : हरियाणा	
कुलताना	16	320	00	11	13
		338	00	00	51
		339	00	12	65
		389	00	03	29
		390	00	04	55
		406	00	01	77
		407	00	02	78
		1175	00	03	54
		1178	00	01	01
इसमाईला (9) बिसवा	38	21			
		18	00	02	28
		19	00	02	02
		44			
		11	00	08	35
		12	00	00	25

1	2	3	4	5	6
		124			
		2	00	01	77
		3	00	03	29
		8	00	04	05
		9	00	05	06
		12	00	00	76
		13	00	02	78
		19	00	09	11
		22	00	06	83
गांधरा	44	28			
		8	00	01	52
		9/1,2	00	04	55
		12/1/3	00	01	26
		12/2/2	00	04	55
		18	00	09	36
		22/1	00	01	26
		22/2	00	00	51
नीनम्ह	43	70			
		1	00	14	16
		2	00	00	76
		11	00	09	36
		20	00	07	08
रुड़की	34	33			
		6	00	03	54
		15	00	08	85
		16/1	00	00	51
		16/2	00	04	05
		25	00	09	36
		34			
		10	00	04	55
		11	00	00	05
		44			
		4/1	00	00	25
		5/1	00	03	04
		147			
		14	00	07	59
		17	00	09	36
		24	00	09	36
		156			
		3	00	02	28
		4	00	04	55
		160			
		2/2	00	08	60
		3	00	01	01
		9/1	00	04	55
		9/2	00	00	07

1	2	3	4	5	6
		12	00	11	13
		19/1	00	02	02
		19/2	00	02	78
पोलमी	53	7			
		7	00	04	05
		14	00	09	36
		16	00	01	77
		17	00	04	05
		24	00	09	36
		10			
		3	00	00	25
		4/1	00	04	30
		18			
		21/2	00	00	51
		22/2	00	01	26
		21			
		1	00	06	83
		2/1	00	02	28
		10	00	08	60
		11	00	02	53
		12	00	01	26
		20/1	00	05	31
		20/2	00	00	06

तहसील : गोहाना

जिला : सोनीपत

राज्य : हरियाणा

1	2	3	4	5	6
गिवाला	74	55			
		16/1	00	09	11
		24	00	00	25
		25	00	05	82
		60			
		5	00	08	85
		6	00	06	58
आवला	71	108			
		13/1	00	07	33
		13/2	00	01	01
		18	00	06	83
		112			
		2	00	05	06
		9	00	05	82
		10	00	04	05
		11	00	00	51

1	2	3	4	5	6
भैरवाल कला मीठान	68	108			
		11/2	00	05	06
		19/2	00	01	52
		19/3	00	04	05
		20/1	00	03	79
		20/2	00	00	25
		109			
		6	00	00	76
कटवाल	69	13			
		13	00	08	35
		18	00	05	82
		19	00	01	77
		22	00	06	32
		16			
		2	00	00	36
काठ	65	62			
		22	00	08	83
		66			
		1	00	00	76
		2	00	07	84
		9/2	00	02	78
		10	00	06	58
		11/1	00	00	51
		11/2	00	08	85
जाली	61	17			
		6	00	01	52
		15/1	00	06	07
		15/2	00	03	04
		16	00	05	31
		25/1	00	07	33
		19			
		4	00	03	29
		5	00	05	56
		45			
		7	00	01	26
		8	00	01	77
		13	00	00	25
		14	00	11	39
		17	00	00	25
		44			
		21	00	07	08
		66			
		1	00	05	56
		2/1	00	02	28

1	2	3	4	5	6
नयाँ	62	42			
		12	00	02	02
		13	00	01	77
		18	00	00	51
		19/1	00	06	83
		19/2	00	02	02
		22/1	00	02	28
		22/2	00	03	79
		61			
		2	00	09	36
कायना भादरा	57	15			
		12	00	02	02
		13	00	00	51
		18	00	00	08
		19	00	09	34
		22	00	04	05
		23	00	00	76
		26			
		2	00	08	60
		9	00	06	07
खामपुर कला	56	69			
		15	00	01	52
		16	00	09	11
		25/1	00	04	55
		25/2	00	03	29
		88			
		5	00	09	11
		6	00	02	78

नहमील : पानीपत जिला : पानीपत राज्य : हरियाणा

1	2	3	4	5	6
बुयाना लाब	86	72			
		13	00	07	33
कायथ	91	46			
		23	00	02	53
		24/1	00	00	25
		48			
		7	00	02	28
		8	00	01	30
		15	00	02	02
आहुर	89	20			
		2	00	04	81
		3/1	00	01	52
		3/2	00	00	76
		3/3	00	05	56
		7	00	05	06

1	2	3	4	5	6
		14	00	02	28
		15	00	00	25
इसरोना	66	26			
		3	00	00	76
		4	00	06	32
		7	00	02	78
		8/1	00	02	02
		8/2	00	04	55
		135			
		17	00	04	30
		24	00	01	26
		25	00	02	78
भारत	64	11			
		7	00	04	55
		14	00	10	37
		17	00	06	58
		23	00	01	52
		24	00	07	33
		91			
		22	00	05	56
		92			
		1	00	02	28
		2	00	07	59
		9/1	00	00	51
		11	00	00	36
		109			
		17	00	09	36
		24	00	09	36
कविता	41	3			
		16	00	07	59
		25/1	00	05	82
		4			
		20	00	01	52
		134			
		16	00	00	08
		25	00	04	55
		135			
		10	00	04	30
		11	00	09	36
		20/1	00	01	77
		20/2	00	03	54
		21	00	05	56
		142			
		1	00	00	25
		143			
		5	00	02	53

1	2	3	4	5	6
बोहारी	42	9			
		17	00	03	04
		24	00	05	06
सुपाना	23	66			
		5	00	04	05
		6	00	11	89
		17	00	05	06
उंटला	44	14			
		18	00	03	04
		19	00	03	79
		21/2	00	01	01
		27			
		2/1	00	04	05
		2/2	00	03	29
		9	00	06	83
		10	00	00	03
		11	00	06	58
		12	00	03	01
आमन खूँ	22	24			
		9	00	03	29
		12	00	09	11
		19/1	00	04	05
		19/2	00	00	76
		38			
		4	00	04	30
		7	00	01	52
		14	00	03	29
आसन कला	21	85			
		1	00	02	78
		10/1	00	01	77
		10/2	00	01	01
		11	00	03	29

[संख्या : आर-31015/2/94-ओ.आर.-I]

ज. क. मायल, अवर सचिव

New Delhi, the 19th December, 1994

S.O. 3551.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1016, dated the 30th April, 1994, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) hereinafter referred to as the said Act, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And, whereas, the copies of the said Gazette notification were made available to the public on the 13th May, 1994;

And, whereas, the Competent Authority in pursuance to sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And, whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by the sub-section, (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited :—

SCHEDULE

Tehsil : Rewari		District : Rewari		State : Haryana		
Name of Village	Hadbast No.	Mustateel/ Killa No.	Area			
			Hectare	Area	Centiare	
1	2	3	4	5	6	
Thothbalka	139	32				
		17	00	01	77	
Hussainpur	134	38				
		22/1	00	06	07	
		22/2	00	01	26	
		46				
		1/2	00	01	26	
		2	00	09	61	
		9/1	00	00	25	
		9/2	00	00	25	
		10/1	00	10	62	
		11/1	00	00	25	
		11/2	00	03	29	
Qutabpur Maula	131	26				
		22	00	00	25	
		42				
		2	00	04	05	
		13/1/1	00	04	30	
Kanamajra	126	9				
		21/2/2	00	04	05	
		15				
		2	00	00	25	
Chandawas	117	10	00	04	30	
		17				
		22	00	06	32	
		23	00	03	04	
		26				
		2	00	09	36	
		9	00	09	36	

1	2	3	4	5	6
Gindokhar	113	38			
		16	00	00	51
		25	00	00	06
		39			
		12	00	02	53
		19	00	01	26
		20	00	03	79
Lasana	220	10			
		7	00	01	26
		8	00	01	01
		13/2	00	09	11
		14	00	00	25
		19/2	00	08	09
		20	00	03	54
Mustfapur	256	34			
		2	00	07	59
		9	00	09	11
		12	00	09	11
		19	00	09	11
Rohrai	230	53			
		20/1	00	04	30
		21/2	00	03	29
		60			
		1	00	01	01
		61			
		6	00	01	01
		15	00	09	61
		16/1/2	00	02	78
		16/2/1	00	00	76
		16/2/3	00	01	77
		25	00	09	11
		70			
		5	00	04	81
Pehrajwas	239	37			
		20	00	03	79
		21	00	07	59
		44			
		5	00	01	01
		45			
		1	00	06	58

1	2	3	4	5	6
Gurawara	245	145			
		8	00	05	06
		12/2	00	01	26
		13	00	07	08
		19	00	04	55
		23/2	00	01	77
		151			
		2	00	09	11
Kahnori	242	34			
		18/2	00	00	76
		19/1	00	09	3
		19/2	00	00	11
		22/1	00	05	56
		22/2	00	00	25
		41			
		2	00	09	11
		9/1	00	01	52
		9/2	00	04	55
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Tehsil : Jhajjar	District : Rohtak		State : Haryana		
Ahri	246	24			
		20/3	00	00	25
		25			
		16	00	09	61
		25/3	00	06	83
		42			
		5/2/1	00	03	79
		6/1	00	00	51
		7/1	00	04	0
		14	00	00	25
Dadānpur	238	44			
		7	00	03	79
		14/1	00	01	01
		14/2	00	04	55
		14/3	00	03	54
		17/1	00	02	28
		17/3	00	03	54
		24/2	00	09	11
		50			
		4	00	04	18

1	2	3	4	5	6
Gijaroad	260	40			
		16	00	09	36
		25	00	07	33
		49			
		5/1/1/1	00	04	30
		5/1/1/2	00	02	02
		6	00	08	85
Silani Pana Kesho	263	26			
		23	00	05	06
		24	00	00	25
		57			
		3	00	09	36
		8/1	00	01	52
		13/1	00	08	35
		18	00	07	08
Silani Pana Zalim	262	17			
		16	00	03	29
		18	00		
		11	00	02	78
		12	00	01	77
		20/1	00	00	08
		20/2	00	01	01
Jhajjar	100	15			
		25/2	00	06	83
		21			
		5/1	00	01	52
		5/2	00	05	06
		5/3	00	00	25
		7	00	05	56
		14/2	00	05	56
		15/1	00	02	53
		15/2	00	01	01
		17	00	01	77
		136			
		24	00	03	04
		164			
		4/1	00	01	26
		4/2	00	01	77
		7	00	00	76
		216			
		8/1	00	03	79
		8/2	00	05	31
		13	00	03	54

Tehsil : Rohtak		District : Rohtak		State : Haryana	
1	2	3	4	5	6
Kultana	16	320	00	11	13
		338	00	00	51
		339	00	12	65
		389	00	03	29
		390	00	04	55
		406	00	01	77
		407	00	02	78
		1175	00	03	54
		1178	00	01	01
Jamayila (9) Biswa	38	21			
		—			
		18	00	02	28
		19	00	02	02
		44			
		—			
		11	00	08	35
		12	00	00	25
		124			
		—			
		2	00	01	77
		3	00	03	29
		8	00	04	05
		9	00	05	06
		12	00	00	76
		13	00	02	78
		19	00	09	11
		22	00	06	83
Gandhra	44	28			
		—			
		8	00	01	52
		9/1/2	00	04	55
		12/1/3	00	01	26
		12/2/2	00	04	55
		19	00	09	36
		22/1	00	01	26
		22/2	00	00	51
Naunand	43	70			
		1	00	14	16
		2	00	00	76
		11	00	09	36
		20	00	07	08
Roorki	54	33			
		6	00	03	54
		15	00	08	85
		16/1	00	00	51
		16/2	00	04	05
		25	00	09	36
		34			
		10	00	04	55
		11	00	00	05

1	2	3	4	2	6
		44			
		4/1	00	00	25
		5/1	00	03	04
		147			
		14	00	07	59
		17	00	09	36
		24	00	09	36
		156			
		3	00	02	28
		4	00	04	55
		160			
		2/2	00	08	60
		3	00	01	01
		9/1	00	04	55
		9/2	00	00	07
		12	00	11	13
		19/1	00	02	02
		19/2	00	02	78
Palungi	53	7	00	04	05
		14	00	09	36
		16	00	01	77
		17	00	04	05
		24	00	09	36
		10			
		3	00	00	25
		4/1	00	04	30
		18			
		21/2	00	00	51
		22/2	00	01	26
		21			
		1	00	06	83
		2/1	00	02	28
		10	00	08	60
		11	00	02	53
		12	00	01	26
		20/1	00	05	31
		20/2	00	00	06
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Tehsil :	Gohana	District :	Sonepat	State :	Haryana
Giwana	74	55			
		16/1	00	09	11
		24	00	00	25
		25	00	05	82
		60			
		5	00	08	85
		6	00	06	58
Anwli	71	108			
		13/1	00	07	33
		13/2	00	01	01
		18	00	06	83
		112			
		2	00	05	06
		9	00	05	82
		10	00	04	05
		11	00	00	51

1	2	3	4	5	6
Bhainswal Kalan Mithan	68	108			
		11/2	00	05	06
		19/2	00	01	52
		19/3	00	04	05
		20/1	00	03	79
		20/2	00	00	25
		109			
		6	00	00	76
Katwal	69	15			
		13	00	08	35
		18	00	05	82
		19	00	01	77
		22	00	06	32
		16			
		2	00	09	36
Lath	65	62			
		22	00	08	85
		66			
		1	00	00	76
		2	00	07	84
		9/2	00	02	78
		10	00	06	58
		11/1	00	00	51
		11/2	00	08	85
Jauli	61	17			
		6	00	01	52
		15/1	00	06	07
		15/2	00	03	04
		16	00	05	31
		25/1	00	07	33
		19			
		4	00	03	29
		5	00	05	56
		43			
		7	00	01	56
		8	00	01	77
		13	00	00	25
		14	00	11	89
		17	00	00	25
		44			
		21	00	07	08
		66			
		1	00	05	56
		2/1	00	02	28
Nayat	62	42			
		12	00	02	02
		13	00	01	77
		18	00	00	51
		19/1	00	06	83
		19/2	00	02	02
		22/1	00	02	28
		22/2	00	03	79
		61			
		2	00	09	36

1	2	3	4	5	6	7
Kakana Bhadri	57	15				
		—				
		12		00	02	02
		13		00	00	51
		18		00	00	08
		19		00	09	34
		22		00	04	05
		23		00	00	76
		26				
		2		00	08	60
		9		00	06	07
Khanpur Kalan	56	69				
		15		00	01	52
		16		00	09	11
		25/1		00	04	55
		25/2		00	03	29
		88				
		5		00	09	11
		6		00	02	78
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Tehsil : Panipat	District : Panipat		State : Haryana			
Bowana Lakhu	86	72				
		13		00	07	33
Kayath	91	46				
		23		00	02	53
		24/1		00	00	25
		48				
		7		00	02	28
		8		00	04	30
		13		00	02	02
Shahpur	89	20				
		2		00	04	81
		3/1		00	01	52
		3/2		00	00	76
		3/3		00	05	56
		7		00	05	06
		14		00	02	28
		15		00	00	25
Israna	66	26				
		3		00	00	76
		4		00	06	32
		7		00	02	78
		8/1		00	02	02
		8/2		00	04	55
		135				
		17		00	04	30
		24		00	01	26
		25		00	02	78
Karad	64	11				
		7		00	04	55
		14		00	10	37

1	2	3	4	5	6
		17	00	06	58
		23	00	01	52
		24	00	07	33
		91			
		22	00	05	56
		92			
		1	00	02	28
		2	00	07	59
		9/1	00	00	51
		11	00	09	36
		109			
		17	00	09	36
		24	00	09	36
Kalkhu	41	3			
		16	00	07	59
		25/1	0	05	82
		4			
		20	00	01	52
		134			
		16	00	00	08
		25	00	04	55
		135			
		10	00	04	30
		11	00	09	36
		20/1	00	01	77
		20/2	00	03	54
		21	00	05	56
		142			
		1	00	00	25
		143			
		5	00	02	53
Lohari	42	9			
		17	00	03	04
		24	00	05	06
Sultana	23	66			
		5	00	04	05
		6	00	11	89
		17	00	05	06
Untla	44	14			
		18	00	03	04
		19	00	03	79
		21/2	00	01	01
		27			
		2/1	00	04	05
		2/2	00	03	29

1	2	3	4	5	6	7
			9	00	06	83
			10	00	00	03
			11	00	06	58
			12	00	03	04
Asan Khurd		22	24			
			9	00	03	29
			12	00	09	11
			19/1	00	04	05
			19/2	00	00	76
			38			
			4	00	04	30
			7	00	01	52
			14	00	03	29
Asan Kalan		21	85			
			1	00	02	78
			10/1	00	01	77
			10/2	00	01	01
			11	00	03	29

[No. R-31015/2/94-O.R.-I]

J.K. MAYALL, Under Secy.

नई दिल्ली, 19 दिसम्बर, 1994

का.आ. 3552.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 2431 तारीख 13 नवम्बर, 1993, और 1130, 1131, 1133, तारीख 14 मई, 1994 द्वारा पेट्रोलियम के परिवहन के लिये पाइपलाइन विधानों के प्रयोजनार्थ उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियां जनता को क्रमशः तारीख 23-11-93 और 24-5-94 को उपलब्ध करा दी गई थीं।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिये।

अतः अद्य, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विच्छेदनों से मुक्त, इंडियन आयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील-ग्रामेर	जिला-जयपुर		राज्य/राजस्थान	
गांव का नाम	खसरा नम्बर	हैक्टेयर	क्षेत्र घारे	सेंटोग्रारे
1	2	3	4	5
ग्रामेर	5278	0	06	08
	5287	0	00	18
	5306	0	04	24
	5308	0	04	80
	5309	0	03	00
	5310	0	04	32
	5312	0	07	44
	5313	0	06	88
	5311	0	04	32
खीरा मोना	1286	0	10	26
	1288	0	08	46
	1302	0	00	27
	1289	0	05	76
	1293	0	02	00
	1292	0	00	54
	1290	0	00	80
	1291	0	05	14
	1223	0	00	96
	1296	0	08	04
	1221	0	01	44
	1220	0	00	08
	1218	0	07	52
	1217	0	03	46
	1214	0	05	40
	1213	0	03	96
	1212	0	00	08
	1207	0	01	28
	1208	0	07	00
	1210	0	01	44
1171	0	10	80	
तहसील-विराटनगर	जिला-जयपुर		राज्य-राजस्थान	
भाबरू	2128	0	07	60
	2129	0	04	64
	2122	0	01	44
	2115	0	03	24
	2114	0	01	76
	2112	0	00	72

1	2	3	4	5
	2111	0	00	48
	2116	0	07	08
	2117	0	05	22
	2109	0	04	60
	2110	0	00	60
	2102	0	08	20
	2099	0	02	40
	2087	0	09	12
	2100	0	06	30
	2101	0	00	54
	2089	0	04	86
	2181	0	11	44
	2183	0	04	68
	2182	0	00	80
	2184	0	08	64
	2185	0	09	36
	2203	0	03	60

तहसील—बहरोड	जिला—अलवर	राज्य—राजस्थान
तलवाड—सरविलन्द मोमनपुर	1423	0 02 60
	1427	0 14 40
	1428	0 10 08
	1429	0 03 72
	1435	0 06 48
	1434	0 00 60

तहसील—चाकसू	जिला—जयपुर	राज्य—राजस्थान
चाकसू	1070	0 01 00

[संख्या-आर-31015/44/93-ओ. आर-1]

ज. के. मायल, अवर सचिव

New Delhi the 19th December, 1994

S.O.3552.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2431, dated 13th November, 1993 and No. S.Os. 1130, 1131, 1133, dated the 14th May, 1994, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Lands) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedules appended to those notifications for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said notifications were made available to the public on 23rd November, 1993 and 2nd June, 94, respectively.

And whereas the Competent Authority in pursuance to sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired.

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited;

SCHEDULE

Tehsil : Amber District : Jaipur State : Rajasthan

Name of village	Khasra no.	Area		
		Hec-tare	Acre	Centiare
1	2	3	4	5
Amber	5278	0	06	08
	5287	0	00	18
	5306	0	04	24
	5308	0	04	80
	5309	0	03	60
	5310	0	04	32
	5312	0	07	44
	5313	0	05	86
	5311	0	04	32
Khora Meena	1286	0	10	26
	1288	0	08	46
	1302	0	00	27
	1289	0	05	76
	1293	0	02	00
	1292	0	00	54
	1290	0	00	80
	1291	0	05	14
	1223	0	00	96
	1296	0	08	04
	1221	0	01	44
	1220	0	00	08
	1218	0	07	52
	1217	0	03	46
	1214	0	05	40
	1213	0	03	96
	1212	0	00	08
	1207	0	01	28
	1208	0	07	00
	1210	0	01	44
	1171	0	10	80

Tehsil : Viratnagar Distt. : Jaipur State : Rajasthan				
Bhabroo	2128	0	07	60
	2129	0	04	64
	2122	0	01	44
	2115	0	03	24
	2114	0	01	76
	2112	0	00	72
	2111	0	00	48
	2116	0	07	08
	2117	0	05	22
	2109	0	04	60
	2110	0	00	60
	2102	0	08	20

1	2	3	4	5	6
		2099	0	02	40
		2087	0	09	12
		2100	0	06	30
		2101	0	00	54
		2089	0	04	86
		2181	0	11	44
		2183	0	04	68
		2182	0	00	80
		2184	0	08	64
		2195	—	09	36
		2203	0	03	60

Tehsil : Bohror Distt. : Arwar State : Rajasthan					
Talwad Sarbiland Momanpur	1423	0	02	60	
	1427	0	14	40	
	1428	0	10	08	
	1429	0	03	72	
	1435	0	06	48	
	1434	0	00	06	

Tehsil : Chaksu Distt. : Jaipur State : Rajasthan					
1	2	3	4	5	
Chaksu	1070	0	01	00	

[No. R-31015/44/93-OR-1]

J.K. MAYALL, Under Secy.

‘शुद्धिपत्र’

नई दिल्ली, 19 दिसम्बर, 1994

का.भा. 3553 —केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के राजपत्र, भाग 3, खण्ड 2, उपखण्ड (ii) पृष्ठ 3544 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.भा. 2397 तारीख 17 सितम्बर, 1994 द्वारा उस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अर्जन करने के अपने आग्रह की सूचना दी थी ;

और केन्द्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र में प्रकाशित उक्त अधिसूचना में सुद्धन संबंधी कुछ गलतियाँ हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है :—

पृष्ठ संख्या 3544 : “भैसवाल कला मोठान” गांव के कोला संख्या 10 के सामने, स्तम्भ 6 के नीचे “09” के स्थान पर “59” पढ़ें।

पृष्ठ संख्या 3544 : “कालखा” गांव के किला संख्या 6 के सामने, स्तम्भ 6 के नीचे “37” के स्थान पर “36” पढ़ें।

ऐसी भूमि में, जिसकी बाबत उपरोक्त संशोधन जारी किया गया है, हिद्दबद्ध कोई व्यक्ति उस तारीख से, जिसको इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, 21 दिन के भीतर, उक्त अधिनियम की धारा 5 की उपधारा (1) के निबन्धनों के अनुसार उक्त भूमि के सम्पूर्ण या किसी भाग के या ऐसी भूमि में या उस पर के किसी अधिकार के अर्जित किए जाने के सम्बन्ध में आक्षेप, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, कोठी नम्बर 1158, सेक्टर-13, अर्बन एस्टेट, करनाल, हरियाणा, को कर सकेगा।

स्पष्टीकरण—इस अधिसूचना के संशोधित भूमियों खसरा सं. और क्षेत्रफल की बाबत ही उक्त अधिनियम की धारा 5 की उपधारा (1) के निबन्धनों के अनुसार इक्कीस दिन की उक्त अवधि उस तारीख से आरम्भ होती है जिसको यह अधिसूचना राजपत्र में प्रकाशन के पश्चात् जनता को उपलब्ध करा दी जाती है।

[सं. आर-31015/41/93-ओआर I (पार्ट 1)]

जे. क. मायल अवसर सचिव

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 26 सितम्बर, 1994

का.भा. 3554 पाकिस्तान में कराची, सिंध और पंजाब विषयविद्यालयों द्वारा प्रदान की गई एम. बी. बी. एस. की आयुविज्ञान अर्हता, भारतीय आयुविज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए एक मान्यताप्राप्त आयुविज्ञान अर्हता है;

और निम्नलिखित व्यक्ति, जिनके पास उक्त अर्हता है, इस समय अपने नामों के सामने उल्लिखित भारत के अस्पतालों से अध्यापन अनुसंधान का पूरा कार्य के लिए संलग्न है न कि निजि अभिलाष के लिए:—

1. डा. दसरत राजा, गांधी आरोग्य मंडल,
खेताराम महेश्वरी मोडसा, जमालाबाद,
गांधीबाड़ा
मोसडा-383315

2. डा. मंशीमल लुधवानी स्वामी ल्यूनराम चैरिटेबल ट्रस्ट,
इष्ट्यू 175, महावीर
कसरतशाला के सामने,
कुबेरनगर (करणावती),
अहमदाबाद-382340

3. डा. जियोर कदजी लायन्स क्लब आफ राजकोट
मनवर भिरी, एप्रोकलवरल डीजल
स्पेस मरेडिया किवा रोड,
राजकोट

4. डा. सत्यवती चांदीराम चौधराम अस्पताल और अनु-
संधान केन्द्र पो. बाक्स
नं. 131, मणिक बाग,
रोड, इन्दौर-452001

5. डा. हवलानी सुधामचन्द श्री राम दर्शन अस्पताल,
82 सिन्धु नगर,
इन्दौर-452001

6. ए. देवदत्त भोजानी बेसाई मणिलाल खुशीलाल
सार्वजनिक अस्पताल,
प्रान्तिज, जिला सबरकंटा

7. डा. राजपाल लक्ष्मीदेवी गीता भवन अस्पताल और
इन्टेन्सिव कार्डियक केयर
यूनिट गीता भवन मार्ग,
इन्दौर-452001

8. डा. रतन कुमार ग्रेटर कैलाश नर्सिंग होम
सोनेता 11/2, पलासिया
इन्दौर-452001

9. डा. सैतदास खिरजूमन जनता प्रसूतिगृह और
कुकरेजा अस्पताल जारोटपटका
नागपुर-440014

10. डा. तनवर दास मट्ट क्लीनिक एंड प्रेजिडेंट
लोहाना रेस्पिरेटरी डिस्पेंसरी
एंड हेल्थ केयर सोसायटी,
जयपुर।

11. डा. मोतीराम एच. अलसद रणपालिका, पो. बाकत
जेसवानी नं. 1 बलसद-316001

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 14 की उपधारा (1) के खंड (ग) के अनुसरण में, इस आदेश के राजपत्र में प्रकाशन की तारीख से एक वर्ष को अवधि जिसके दौरान ऊपर उल्लिखित डाक्टर अपने नामों के सामने उल्लिखित अस्पतालों से संलग्न है, इन दोनों में से जो भी कम हो, ऐसी अवधि के रूप में विनिर्दिष्ट करती है, जिस तक उक्त डाक्टरों द्वारा चिकित्सा व्यवसाय सीमित होगा।

[सं. बी-11015/35/90-एम ई (यू जी)]

एस. के. मिश्र, डैस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

नई दिल्ली, 8 दिसम्बर, 1994

(Department of Health)

Order

New Delhi, the 26th September, 1994

S.O.3554.—Whereas medical qualification of MBBS granted by the Universities of Karachi, Sindh and Punjab in Pakistan is a recognised medical qualification the purpose of Indian Medical Council Act, 1956 (102 of 1956);

And whereas the following persons who possess the said qualification are at present attached to hospitals in India mentioned against their names for teaching, research or charitable work and not for personal gain :—

1. Dr. Dasrat Raja Gandhi, Arogya Mavdal, Khetaram Maheshwari Modasa, Jamalvam, Ganchiwada, Modasa 383 315.
2. Dr. Manshomal Swami Teoonram Charitable Ludhwani Trust, W-175, Opp. Mahabir Kasrat Shola, Kubernagar (Karpavati), Ahmedabad 382 340
3. Dr. Kishore Rudji Lions Club of Rajkot City, Monver Agricultural Diesel Spares, Garedia Kuva Road, Rajkot.
4. Dr. Satward Chandiram Choithram Hospital and Research Centre, P.O. Box No. 131, Manik Bagh Road, Indore 452 001.
5. Dr. Hablani Shri Ram Durshan Hospital, Sudhamchand 82, Sindhu Nagar, Indore 452 001
6. Dr. Devdat Bhojani Desai Manilal Chunilal General Hospital, Prantij, Distt. Sabarkantha
7. Dr. Rajpal Lachmi Devi Gita Bhawan Hospital & Intensive Cardiac Care Unit, Gita Bhawan Marg, Indore 452001.
8. Dr. Ratan Kumar Soneta Greater Kailash Nursing Home, 11/2, Palasia, Indore 452001.
9. Dr. Saindas Birjomal Janta Maternity Home and Kukreja Hospital, Jaripatka, Nagpur 440 014.
10. Dr. Thanwardas Lohana Bhatt Clinic & President Respiratory Diseases & Health Care Society, Jaipur.
11. Dr. Motiram H. Jeswani Valsad Nagarpalika P.B. No. 1, Valsad 316 001

Now, therefore in pursuance of clause (c) of sub-section (1) of section 14 of the said Act, the Central Government hereby specifies the period of one year from the date of publication of this order in the Official Gazette or the period during which the above mentioned doctors are attached to the hospitals mentioned against their names, whichever is shorter, as the period for which the medical practice by the said doctors shall be limited.

[No.V-11015/35/90 ME (UG)]
S.K. MISHRA, Desk Officer

का.प्रा. 3555—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का.प्रा. 3 की उपधारा (1) के खण्ड (क) के अनुसरण में और सिक्किम सरकार के परामर्श, से डा. डी. आर. ग्यात्सो, अपर निदेशक, स्वास्थ्य और परिवार कल्याण विभाग, सिक्किम सरकार, गंगटोक को इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् का सदस्य नाम निर्दिष्ट किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा-3 की उपधारा (1) के उपबन्धों के अनुसरण में, स्वास्थ्य मंत्रालय की अधिसूचना संख्यांक का.प्रा. 138, तारीख 9 जनवरी, 1990 में निम्नलिखित और संशोधन करनी है अर्थात् :—

उक्त अधिसूचना में, "धारा-3 की उपधारा (1) के खण्ड (क) के अधीन नामनिर्दिष्ट "शीर्ष के अन्तर्गत क्रम संख्यांक 19 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

"19. डा. टी. आर. ग्यात्सो,
अपर निदेशक,
स्वास्थ्य और परिवार कल्याण विभाग,
सिक्किम सरकार, गंगटोक

[संख्या की. 11013 6 94—एम.ई. (यू.जी.)]
एस.के. मिश्रा, डेस्क अधिकारी

New Delhi, the 8th December, 1994

S.O. 3555.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Sikkim have nominated Dr. T. R. Gyatso, Additional Director, Department of Health and Family Welfare, Government of Sikkim, Gangtok to be a member of the Medical Council of India with effect from the date of issue of this notification;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Ministry of Health Number S.O. 138 dated the 9th January, 1960, namely :—

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3" for serial number 19 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

"19. Dr. T. R. Gyatso,
Additional Director,
Department of Health and Family Welfare,
Government of Sikkim,
Gangtok."

[No. V-11013/6/94-ME(UG)]
S. K. MISHRA, Desk Officer

नई दिल्ली, 13 दिसम्बर, 1994

का.आ. 3556:—पाकिस्तान में सिंध विश्व-विद्यालय द्वारा सन्तुल्य एम बी बी एस का आयुर्विज्ञान अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रावधानों के तहत प्राप्त आयुर्विज्ञान यज्ञता है;

और डा. खत्री बस्तानी लीलधर पन्नालाल पुं कार्य के लिए साधु वासुवानी केन्द्र से संलग्न है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम का धारा 14 का उपधारा (1) के खण्ड (ग) के अनुसरण में, इस आदेश के राजपत्र में प्रकाशित होने का तारीख से दो वर्ष का अवधि या उस अवधि का, जिसके दौरान डा. खत्री बस्तानी लीलधर साधु वासुवानी केन्द्र, राजकोट से संलग्न है, इनमें से जो भी कम हो, ऐसी अवधि के रूप में निर्दिष्ट करता है जिस तक उक्त डॉक्टर द्वारा चिकित्सा चिकित्सा सीमित रहेगा।

[सं. वी. 11016/94-एम ई (यू जी)]

एस.के. मिश्रा, डेस्क अधिकारी

New Delhi, the 13th December, 1994

S.O. 3556:—Whereas medical qualification of MBBS granted by the University of Sind in Pakistan is a recognised medical qualification for the purpose of Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Khatri Bastani Liladhar Panalal is attached to Sadhu Vaswani Centre, Rajkot for charitable work;

Now, therefore, in pursuance of clause (c) of sub-section (1) of section 14 of the said Act, the Central Government hereby specifies the period of two years from the date of publication of this order in the Official Gazette or the period during which Dr. Khatri Bastani Liladhar Panalal is attached to the Sadhu Vaswani Centre, Rajkot, whichever is shorter, as the period for which the medical practice by the said doctors shall be limited.

[No. V. 11016/94-ME(UG)]

S. K. MISHRA Desk Officer

शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 8 दिसम्बर, 1994

का.आ. 3557:—यतः, विन्नांकित क्षेत्रों के बारे में कृषि संशोधन, जिन्हें केन्द्र सरकार प्रशिक्षित क्षेत्रों के बारे में दिल्ली वृहद् योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा जो दिल्ली विकास (वृहद् योजना और क्षेत्र विकास योजना संशोधन (नियमावली, 1992) के नियम 5 के प्रावधानों के अनुसार दिनांक 22-9-94 के नोटिस संख्या के-13011/12/92-डीडी 1बी द्वारा प्रकाशित किए गये थे जिसमें दिल्ली विकास अधिनियम, 1957 की धारा 11-क को उपधारा (3) में यथा प्रस्तावित आपत्तियां/प्रश्न, उक्त नोटिस का तारीख के 30 दिन की अवधि में आकर्षित किए गए थे।

2874 GI/94-6

और यतः प्रस्तावित संशोधनों के बारे में कोई आपत्तियां/प्रश्न जनता में प्राप्त नहीं हुए हैं, यतः केन्द्र सरकार ने दिल्ली वृहद् योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है।

अतः, अब केन्द्र सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त वृहद् योजना में एतद्वारा निम्नलिखित संशोधन करती है।

संशोधन:—

“जोन डी-3 में पड़ने वाले और उत्तर में भगवान दाम रोड से, पूर्व में मयूरा रोड से, दक्षिण में तिलक लेन गवर्नमेंट क्वार्टर के सयिस रोड से और पश्चिम में भारतीय विधि संस्थान से घिरे क्रमशः भूखण्ड संख्या एबी-20 तथा एबी-21 के 2030.52 वर्ग मीटर और 1344.84 वर्ग मीटर क्षेत्रफल के विकास नियंत्रण मानदंडों को इस प्रकार परिवर्तित किया जाता है :—

(क) एफ.ए.आर. 100 को बढ़ाकर एफ.ए.आर. 125 तक करना,

(ख) 3 कार के स्थानों की प्रति 100 वर्गमीटर निर्मित क्षेत्र 1.33 कार के स्थान तक पाकिंग मानदंडों में कमी करना,

(ग) 5 मंजिले भवन के निर्माण के लिए 18.5 मीटर तक ऊंचाई में वृद्धि करना।”

[संख्या के-13011 12 92-डीडी 1 बी]

एस.सी. सागर, अव्वर सचिव

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 8th December, 1994

S.O. 3557:—Whereas certain modifications, which the Central Government proposed to make in the Master Plan for Delhi/Zonal Development plan regarding the areas mentioned hereunder, were published with Notice No. K-13011/12/92-DD1B dated 22-9-94 in accordance with the provisions of Rule 5 of the Delhi Development (Master Plan & Zonal Development Plan) (Amendment) Rules, 1992 inviting objections suggestions as required by sub-section (3) of Section 11-A of the Delhi Development Act, 1957, within thirty days from the date of the said notice;

And whereas no objections/suggestions were received from the public with regard to the said proposed modifications and whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION

The development control norms of an area measuring 2030.52 sq. mt. and 1344.84 sq. mt. of plot Nos. AB-20 and AB-21 respectively falling in zone D-3 and bounded by

Bhaawan Das Road in the North, Mathura Road in the East, Service Road of the Tilak Lane Govt. Quarters in the South and Indian Law Institute in the West are changed as under :

- (a) Increase in FAR from 100 to 125;
- (b) Decrease in parking norms from 3 car spaces to 1.33 car spaces per 100 sq. mt. built up area; and
- (c) Increase in height to 18.5 Mts. to enable construction of a 5-storeyed building.

[No. K-13011/12/92-DDIB]
S. C. SAGAR, Under Secy

नागर विमानन और पर्यटन मंत्रालय
(नागर विमानन विभाग)

नई दिल्ली, 16 नवम्बर, 1994

का. प्रा. 3558.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, नागर विमानन तथा पर्यटन मंत्रालय (नागर विमानन विभाग) के प्रशासनिक नियंत्रणाधीन इंडियन एयरलाइन्स के उत्तरी क्षेत्र के लेह, स्टेशन को, जिनके कर्मचारी वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या ई-11011/6/88-हिंदी]
रघुनाथ साहू, निदेशक (राजभाषा)

MINISTRY OF CIVIL AVIATION & TOURISM
(Department of Civil Aviation)

New Delhi, the 16th November, 1994

S.O. 3558.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official purposes of the Union) Rules, 1976 the Central Government hereby notifies the office of Leh Station of Indian Airlines, Northern Region, under the administrative Control of Ministry of Civil Aviation and Tourism (Department of Civil Aviation), the staff of which have acquired the working knowledge of Hindi.

[No. E. 11011/6/88-Hindi]
RAGHUNATH SAHAI, Director (O.L.)

नई दिल्ली, 16 दिसम्बर, 1994

का.प्रा. 3559:—पवनहंस लिमिटेड के ज्ञापन और मंजूर अनुच्छेद के अनुच्छेद 38(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति नागर विमानन और पर्यटन मंत्रालय के संयुक्त सचिव और वित्तीय सलाहकार के पद

के नये पदधिकारी, श्री पी. के. ब्रह्मा को श्री एम. कृष्णामूर्ति, जो अधिवर्षिता का आय प्राप्त करने पर 31 जुलाई, 1994 के अग्रगण्य से सरकारी सेवा से निवृत्त हो गये थे, के स्थान पर 6 अक्टूबर, 1994 से पवनहंस लिमिटेड के निदेशक मंडल में पदेन निदेशक नियुक्त करते हैं।

[संख्या ए वी-13015/28/92-एसी(वीएल)]
एम. भट्टाचार्य, अवर सचिव

New Delhi, the 16th December 1994

S.O. 3559.—In exercise of the powers conferred by Article 38(a) of the Memorandum and Articles of Association of Pawan Hans Limited, the President is pleased to appoint new incumbent of the post of Joint Secretary & Financial Adviser, Ministry of Civil Aviation & Tourism, Shri P.K. Brahma as an ex-officio Director on the Board of Directors of Pawan Hans Limited, with effect from the 6th October, 1994 vice Shri S. Krishnamoorthy, who on attaining the age of superannuation retired from Government service on the afternoon of 31st July, 1994.

[No. AV. 13015/28/92-ACVL]
M. BHATTACHARJEE, Under Secy.

पर्यावरण और वन मंत्रालय

नई दिल्ली, 8 दिसम्बर, 1994

का.प्रा. 3560 :—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पर्यावरण और वन मंत्रालय के अधीन मुख्य वन संरक्षक (केन्द्रीय क्षेत्रीय कार्यालय (दक्षिण वलय) जिसके 80% कर्मचारी वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[म. ई. 11011/31/88-का.हि. II]
डा. करन शुकल, उप निदेशक (रा.भा.)

MINISTRY OF ENVIRONMENT & FORESTS

New Delhi, the 8th December, 1994

S.O. 3560.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purposes of the union) Rule, 1976 the Central Government hereby Notifies the office of the Chief Conservator of Forests (Central), Regional Office (Southern Zone) under the administrative control of the Ministry of Environment & Forests, the 80 per cent staff whereof have acquired a working knowledge of Hindi.

[No. E-11011/3/88 Ka Hindi II]
Dr. KIRAN SHUKLA, Dy. Director (OL)

नई दिल्ली, 21 दिसम्बर, 1994

का.प्रा. 3561:—केन्द्रीय सरकार, वन्य जीव (संरक्षण) अधिनियम, 1972 (1972 का 53) की धारा 38(ख) की उपधारा (7) के साथ पठित धारा 63 की उपधारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्राणी उद्यान प्राधिकरण में अधिकारियों और अन्य कर्मचारियों के पदों पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का संक्षिप्त नाम केन्द्रीय प्राणी उद्यान प्राधिकरण (अधिकारों और अन्य कर्मचारी) भर्ती नियम, 1994 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. लागू होना:—ये नियम इन नियमों में उपाबद्ध अनुसूची के स्तम्भ 1 में विनिर्दिष्ट पदों को लागू होंगे।

3. पद-संख्या, वर्गीकरण और वेतनमान:—उक्त पदों की संख्या, उनका वर्गीकरण और उनके वेतनमान वे होंगे, जो उक्त अनुसूची के स्तम्भ 2 में स्तम्भ 4 में विनिर्दिष्ट हैं।

4. भर्ती की पद्धति, आयु-सीमा और अन्य शर्तें आदि:—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा, शर्तें और उनमें संबंधित अन्य बातें वे होंगी जो पूर्वोक्त अनुसूची के स्तम्भ 5 में स्तम्भ 14 में विनिर्दिष्ट हैं।

5. निरर्हता:—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है; या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होने हुए किसी व्यक्ति से विवाह किया है;

उक्त पदों पर नियुक्ति का पात्र नहीं होगा।

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन में छूट दे सकेगी।

6. शिथिल करने की शक्ति:—जहां केन्द्रीय प्राणी उद्यान प्राधिकरण की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके तथा पर्यावरण और वन मंत्रालय, कामिक और प्रशिक्षण विभाग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों को बाबत, आदेश द्वारा शिथिल कर सकेगी।

7. व्यावृत्ति:—इन नियमों की कोई बात, ऐसे आरक्षण, आयु-सीमा में छूट और अन्य ग्यायनों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य विशेष वर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

अनुसूची

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	चयन पद अथवा अचयन पद	सीधे भर्ती किए जानेवाले व्यक्तियों के लिए आयु-सीमा	सेवा में जोड़े गए वर्षों का फायदा केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 30 के अधीन अनुज्ञेय है या नहीं
1	2	3	4	5	6	7
1. मूल्यांकन और अनुश्रवण अधिकारी	1* (एक) 1994 *कार्यभार के आधार पर परिवर्तन किया जा सकता है	समूह क	3000-100-3500-द.गो.-125-4500 रु.	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

सीधे भर्ती किए जाने वाले व्यक्तियों के लिए सीधे भर्ती किए जाने वाले व्यक्तियों के परीक्षा की अवधि, यदि कोई हो
अपेक्षित शैक्षिक और अन्य ग्रहण किए विहित आयु और शैक्षिक ग्रहण
प्रोन्नत व्यक्तियों की दशा में लागू होंगी
या नहीं

8	9	10
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता
भर्ती की पद्धति : भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति/स्थानान्तरण द्वारा तथा विभिन्न पद्धतियों द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता	प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण द्वारा भर्ती की दशा में वे श्रेणियां जिनमें प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण किया जाएगा	यदि विभागीय प्रोन्नति समिति है तो उसकी संरचना
		भर्ती करने में किन परिस्थितियों में मंजूर लोक सेवा आयोग से परामर्श किया जाएगा

11	12	13	14
प्रतिनियुक्ति पर स्थानान्तरण द्वारा	प्रतिनियुक्ति पर स्थानान्तरण : केन्द्रीय सरकार/राज्य सरकार/कानूनी या स्वायत्त निकायों के अधीन भारतीय जन सेवा के ऐसे अधिकारी/विज्ञानी :— (क) (i) जो नियमित आधार पर सदृश पद धारण किए हुए हैं; या (ii) जिन्होंने 2200-4000 रु. या समतुल्य वेतनमान वाले पद पर चार वर्ष नियमित सेवा की है। (ख) अन्य जीव संरक्षण विषयक नीति और कार्यक्रम तैयार करने का अनुभव। टिप्पणी :—प्रतिनियुक्ति पर स्थानान्तरण द्वारा नियुक्ति के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी। (प्रतिनियुक्ति की अवधि साधारणतया चार वर्ष से अधिक नहीं होगी।)	लागू नहीं होता	लागू नहीं होता

1	2	3	4	5	6	7
2. वैज्ञानिक अधिकारी	1* (एक) 1994 *कार्यभार के आधार पर परिवर्तन किया जा सकता है।	समूह क	3000-100-3500-व.रो.-125-4500 रु.	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

8		9		10	
लागू नहीं होता		लागू नहीं होता		लागू नहीं होता	
11	12	13	14		
प्रतिनियुक्ति पर स्थानान्तरण द्वारा	प्रतिनियुक्ति पर स्थानान्तरण : ऐसे विशाली जिनके पास किसी वैज्ञानिक संस्थान/विश्वविद्यालय से दस्य जीव-प्राणी विज्ञान कार्यकरण में मास्टर डिग्री है । टिप्पण- प्रतिनियुक्ति पर स्थानान्तरण द्वारा नियुक्ति के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी । (प्रतिनियुक्ति का अवधि साधारणतया चार वर्ष से अधिक नहीं होगी ।)		लागू नहीं होता	लागू नहीं होता	
1	2	3	4	5	6
3. वित्त अधिकारी	1*(एक) समूह क 1994		2200-75-2800-इ.रो.-100-4000 रु.	लागू नहीं होता	लागू नहीं होता
	*कार्यभार के आधार पर परिवर्तन किया जा सकता है				
8	9	10			
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता			
11	12	13	14		
प्रतिनियुक्ति पर स्थानान्तरण द्वारा	प्रतिनियुक्ति पर स्थानान्तरण : लेखा और लेखा परीक्षा सेवा, रक्षा लेखा सेवा, रेल लेखा सेवा के ऐसे अधिकारी :— (i) जो सदृश पद धारण किए हुए है, या (ii) 2374-3500 रु. के वेतनमान में ऐसे लेखा अधिकारी जिन्होंने दो वर्ष नियमित सेवा की है; या (iii) 2000-3500 रु. के वेतनमान में ऐसे अधिकारी जिन्होंने तीन वर्ष नियमित सेवा की है । टिप्पण :—प्रतिनियुक्ति पर स्थानान्तरण द्वारा नियुक्ति के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी । (प्रतिनियुक्ति का अवधि साधारणतया तीन वर्ष से अधिक नहीं होगी ।)		लागू नहीं होता	लागू नहीं होता	

1	2	3	4	5	6	7
4. निजी सचिव	1* (एक) समूह ख 1994 *कार्यभार के आधार पर परिवर्तन किया जा सकता है।		2000-60-2300 चयन द.रो.-75- 3200-100- 3500 रु.		लागू नहीं होता	लागू नहीं होता

8	9	10
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

11	12	13	14
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4. प्रतिनियुक्ति पर स्थानान्तरण/प्रोन्नति द्वारा।	प्रतिनियुक्ति पर स्थानान्तरण/प्रोन्नति केन्द्रीय सरकार/राज्य सरकारों/कानूनी संगठनों या स्वशासी संगठनों/पब्लिक सेक्टर उपक्रमों के ऐसे अधिकारी— (i) जो सवृण पद धारण किए हुए हैं, या (ii) 1400-2300/1640-2900 रु. के वेतनमान में ऐसे आशुलिपिक जिन्होंने अपनी-अपनी श्रेणी में 8/5 वर्ष नियमित सेवा की है। बाल्य व्यक्तियों के साथ विभागीय अभ्यर्थी के संबंध में भी विचार किया जाएगा और यदि पक्ष पर नियुक्ति के लिए उसका चयन कर लिया जाता है तो उसे प्रोन्नति द्वारा भरा गया माना जाएगा। टिप्पण :—प्रतिनियुक्ति पर स्थानान्तरण द्वारा नियुक्ति के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने का अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी। (प्रतिनियुक्ति की अवधि साधारणतया तीन वर्ष से अधिक नहीं होगी।)	लागू नहीं होता	लागू नहीं होता
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1	2	3	4	5	6	7
5. लेखाकार	1* (एक) समूह ख 1994 *कार्यभार के आधार पर परिवर्तन किया जा सकता है।		1640-60 2600-द.रो. 75-2900 रु.	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

8	9	10
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

11	12	13	14
प्रतिनियुक्ति पर स्थानान्तरण द्वारा ।	प्रतिनियुक्ति पर स्थानान्तरण : केन्द्रीय सरकार के अधीन ऐसे अधिकारी :— (i) जो अधीनस्थ लेखा सेवा लेखाकार के सदृश पद धारण किए हुए हैं । या (ii) किसी संगठित लेखा विभाग से अधीनस्थ लेखा सेवा उत्तीर्ण लिपिक । टिप्पण :—प्रतिनियुक्ति पर स्थानान्तरण द्वारा नियुक्ति के लिए अधिकतम आयु सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी । (प्रतिनियुक्ति की अधि साधारणतया तीन वर्ष से अधिक नहीं होगी ।)	लागू नहीं होता	लागू नहीं होता

1	2	3	4	5	6	7
6 वैयक्तिक सहायक	1*(एक) (1994) *कार्यभार के आधार पर परिवर्तन किया जा सकता है	समूह ग	1400-40-1800 द.रो.-50-2- 2300 रु.	लागू नहीं होता	18 और 25 वर्ष के बीच (सरकारी सेवकों/केन्द्र सरकार के अधिन स्वयतशासी संस्थाओं के कर्मचारियों के लिए केन्द्रीय सरकार द्वारा जारी अनुदेशों या आदेशों के अनुसार शिथिल करके 40 वर्ष तक की जा सकती है) टिप्पण : आयु सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्याथियों में (उनसे भिन्न जो अदमान और निकोबार द्वीप तथा लक्षद्वीप में हैं) आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी । रोजगार कार्यालय के माध्यम से की जाने वाली भर्ती की दशा में	लागू नहीं होता

आपू गोमा अक-
दागि कये के निण
निर्णयिक तारीख
यह अनिम तारीख
होगी जिय तह
रोजगार कारीगर
से नाम भेजने के निण
कहा गया है।

8	9	10
आवश्यक	लागू नहीं होता	ती वर्ष
(i) किसी मान्यताप्राप्त विश्वविद्यालय में स्नातक या समतुल्य।		
(ii) आगुलिपि में 100 शब्द और टंकण में 40 शब्द प्रति मिनट की गति।		
वांछनीय :		
किसी संगठन में आगुलिपिक के रूप में दो वर्ष का अनुभव :		

11	12	13	14
सीधी भर्ती द्वारा टिप्पण : पदधारी के प्रति- नियुक्ति पर स्थानान्तरण पर या लम्बी बीमारी या छुट्टी या किन्हीं अन्य परिस्थितियों में एक वर्ष या उससे अधिक अवधि के लिए बाहर रहने के कारण हुई रिक्तियां केन्द्रीय सरकार/राज्य सरकार/पब्लिक सेक्टर स्वशासी निकायों के ऐसे अधिकारियों में से प्रतिनियुक्ति पर स्था- नान्तरण द्वारा भरी जा सकेंगी जो नियमित आधार पर मनुष्य पद धारण किए हुए ह और जिनके पास सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित अर्हताएं हैं।	लागू नहीं होता	समूह 'ग' विभागीय प्रोत्तति समिति (पुष्टि के संबंध में विचार करने के लिए) :	लागू नहीं होता
		1. सदस्य सचिव —प्रमुख	
		2. अपर निदेशक (व्यव- जोष) —सदस्य	
		3. अनुसूचित जातियों/ अनुसूचित जनजातियों का एक अधिकारी —सदस्य	
		4. निरत अधिकारी —सदस्य	

1	2	3	4	5	6	7
7. उच्च श्रेणी लिपिक	*1 (एफ) (1994)	समूह "ग"	1200-30-1560 द.रो -40- 2040 रु	अचयन	21 और 25 वर्ष के बीच (सरकारी सेवकों/केन्द्र सरकार के अधीन स्वायत्तशासी संस्थाओं के कर्मचारियों के लिए केन्द्रीय सरकार द्वारा जारी अनुदेशों या आदेशों के अनुसार शिथिल करके 40 वर्ष तक की जा सकती है)	लागू नहीं होता

टिप्पण :- आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड, हिमाचल प्रदेश के लाहौल और स्पीति जिले तथा चम्बा जिले से पांगी उपखंड, अदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।)

*कार्यभार के आधार पर परिवर्तन किया जा सकता है।

8	9	10
(i) किली मान्यता प्राप्त विश्वविद्यालय से स्त्रियों या समतुल्य: लागू नहीं होता		सीधे भर्ती किए जाने वाले व्यक्तियों के लिए दो वर्ष।
(ii) स्वतंत्र रूप से पत्राचार करने में कम से कम तीन वर्ष का अनुभव और जिनके पास अंग्रेजी/हिन्दी टंकण में 30/25 शब्द प्रति मिनट की गति है।		

प्रोन्नति द्वारा जिसके न हो सकने पर सीधी भर्ती द्वारा।

प्रोन्नति :- ऐसे निम्न श्रेणी लिपिक ग्रेड में से जिसने उस श्रेणी में आठ वर्ष नियमित सेवा की है।

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समूह "ग" विभागीय प्रोन्नति समिति

लागू नहीं होता

(पुष्टि/प्रोन्नति के संबंध में विचार करने के लिए):-

1. सदस्य सचिव —अध्यक्ष
2. अपर सचिव (वन्य जीव), पर्यावरण और वन मंत्रालय —सदस्य
3. अनुसूचित जातियों/अनुसूचित जनजातियों का एक अधिकारी —सदस्य
4. वित्त अधिकारी —सदस्य

1	2	3	4	5	6	7
8. निम्न श्रेणी लिपिक	*1 (एक) (1994) *कार्यभार के आधार पर परिवर्तन किया जा सकता है।	समूह "ग"	950-20-1150- द.रो.-25- 1500 रु.	लागू नहीं होता	18 और 25 वर्ष के बीच (सरकारी सेवकों/केन्द्र सरकार के अधीन स्वयतशासी संस्थाओं के कर्मचारियों के लिए केन्द्रीय सरकार द्वारा जारी अनुदेशों या आदेशों के अनुसार शिथिल करके 40 वर्ष तक की जा सकती है) टिप्पण : आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत के अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड, हिमाचल प्रदेश के लाहोल और स्पीति जिले के पांगी उपखंड, अंबमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।)	लागू नहीं होता

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- (i) किसी भाष्यता प्राप्त विश्वविद्यालय या बोर्ड से मैट्रिकुलेशन या समतुल्य अर्हता
- (ii) अंग्रेजी टाईपिंग में 30 शब्द और हिन्दी टाईपिंग में 25 शब्द प्रति मिनट की गति।

हैं

दो वर्ष

11

12

रोजगार कार्यालय के माध्यम से 90 प्रतिशत सीधी भर्ती द्वारा ।

लागू नहीं होता

10 प्रतिशत रिक्तियाँ ऐसे समूह "घ" कर्मचारिवृद्ध में ज्येष्ठतासह उपयुक्तता के आधार पर भरी जाएंगी जिनके पास मैट्रिकुलेशन या समतुल्य ग्रहंताएं हैं और समूह घ में पांच वर्ष नियमित सेवा की है ।

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14

समूह "ग" विभागीय प्रोन्नति समिति
(पुष्टि के संबंध में विचार करने के लिए)

लागू नहीं होता

1. सदस्य सचिव — अध्यक्ष
2. अपर निदेशक (वन्य जीव), पर्यावरण और वन नृत्तालय — सदस्य
3. अनुसूचित जातियों/अनुसूचित जनजातियों का एक अधिकारी — सदस्य
4. वित्त अधिकारी — सदस्य

1	2	3	4	5	6	7
9. स्टाफ कार	*1(एक) (1994) *कार्यभार के आधार पर परिवर्तन किया जा सकता है ।	समूह "ग"	950-20-1150- द.रो.-25- 1500 घ.	लागू नहीं होता	28 वर्ष से अधिक नहीं (सरकारी सेवकों/केन्द्र सरकार के स्वयतशासी संस्थाओं के कर्म- चारियों के लिए केन्द्रीय सरकार द्वारा जारी अनुदेशों या आदेशों के अनुसार शिथिल करके 40 वर्ष तक की जा सकती है ।)	लागू नहीं होता

टिप्पण : आयु-सीमा अवधारित करने के लिए निम्नलिखित तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी । (न कि वह अंतिम तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिज़ोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड, हिमाचल प्रदेश के लाहौल और स्पोति जिले तथा चम्बा जिले से पांगों उपखंड, अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है)।

8	9	10
(i) आठवां स्तर उत्तीर्ण या समतुल्य ।	लागू नहीं होता	दो वर्ष
(ii) जिनके पास हल्की और भारी यान चलाने के लिए विधिमाम्य चालन अनुज्ञप्ति है ।		
(iii) नेमी अनुरक्षण, सर्विसिंग कार्य से सुपरिचित होना चाहिए और चाल भरम्मत करने के योग्य होना चाहिए ।		

11	12
सीधी भर्ती द्वारा (रोजगार कार्यालय के माध्यम से)	लागू नहीं होता

13	14
समूह "ग" विभागीय प्रोन्नति समिति (पुष्टि के संबंध में विचार करने के लिए)	लागू नहीं होता
1. सदस्य सचिव —अध्यक्ष	
2. अपर निदेशक (वन्य जीव), पर्यावरण और वन मंत्रालय —सदस्य	
3. अनुसूचित जातियों/अनुसूचित जनजातियों का एक अधिकारी —सदस्य	
4. वित्त अधिकारी —सदस्य	

1	2	3	4	5	6	7
10. चपरासी	* 2 (बो) (1994)	समूह "घ"	750-12-870- व.रो.-14- 940 रु.	लागू नहीं होता	18 से 25 वर्ष के बीच (सरकारी सेवकों/केन्द्र सरकार के अधीन स्वयत्तशासी संस्थाओं के कर्मचारियों के लिए केन्द्रीय सरकार द्वारा जारी अनुदेशों या आदेशों के अनुसार शिथिल करके 40 वर्ष तक की जा सकती है)	लागू नहीं होता
	*कार्यभार के आधार पर परिवर्तन किया जा सकता है ।					

8	9	10
(i) आठवां स्तर उत्तीर्ण	लागू नहीं होता	दो वर्ष
(ii) साइकिल चलाना आता हो ।		

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सीधी भर्ती द्वारा (रोजगार कार्यालयों के माध्यम से) ।

लागू नहीं होता

13

14

1. सदस्य सचिव —अध्यक्ष
2. अपर सचिव (व्यय जीव) —सदस्य
3. अनुसूचित जातियों/अनुसूचित जनजातियों का एक अधिकारी —सदस्य
4. वित्त अधिकारी —सदस्य

लागू नहीं होता

[फा.सं. 6-6/94-इडलु एल-1]
सदस्यर मा, संयुक्त सचिव

New Delhi, the 21st December, 1994

S.O. 3561.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 63 read with sub-section (7) of section 38(B) of the Wildlife (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules regulating the method of recruitment of the Officers and Other Employees of the Central Zoo Authority, namely:—

1. Short title and commencement.—(1) These rules may be called the Central Zoo Authority (Officers and Other Employees) Recruitment Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.—These rules shall apply to the posts specified in column 1 of the Schedule annexed to these rules.

3. Number of posts, classification and scale of pay.—The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age-limit and other qualification, etc.—The method of recruitment to the said posts, age-limit, qualifications and other matters relating thereto shall be as specified in column 5 to 14 of the Schedule aforesaid.

5. Disqualification.—No person,

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Zoo Authority is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Ministry of Environment and Forests, Department of Personnel and Training, relax any of the provisions of these rules with respect to any class or category of persons.

7. Saving.—Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of Post	Number of posts	Classification	Scale of pay	Whether Selection or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under Rule 30 of the Central Civil Services (Pension) Rules, 1972	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7	8
1. Evaluating and Monitoring Officer	*1 (One) 1994 *Subject to variation dependent on work load	Group A	Rs. 3000-100-3500-EB-125-4500	Not applicable	Not applicable	Not applicable	Not applicable

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer re-employment and percentage of the vacancies to be filled up by various methods.	In case of recruitment by promotion/deputation/transfer grade from which promotion/deputation/transfer to be made	If a Departmental promotion committee exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
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9	11	10	12	13	14
Not applicable	Not applicable	By transfer on deputation	Transfer on deputation : Indian Forests Service Officers/Scientists under the Central/State Governments/Statutory or Autonomous Bodies:— (a) (i) holding analogous posts on regular basis; or (ii) with four years regular service in post in the scale of Rs. 2200-4000 or equivalent. (b) Experience in formulation of policies and programme on matters relating to Wildlife conservation. NOTE:—The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications. (period of deputation shall ordinarily not to exceed four years).	Not applicable	Not applicable

1	2	3	4	5	6	7	8
2. Scientific Officer	*1 (One) 1994 *Subject to variation dependent on work load	Group A	Rs. 3000-100-3500-EB-125-4500	Not applicable	Not applicable	Not applicable	Not applicable

9	10	11	12	13	14
Not applicable	Not applicable	By transfer on deputation.	Transfer on deputation : Scientists having Master degree in Wildlife Biology working in any, Scientific Institutions/Universities. NOTE:—The maximum age-limit for appointment by transfer on deputation, shall be, not exceeding 56 years, as on the closing date of receipt of applications. (Period of deputation shall ordinarily not to exceed four years.)	Not applicable	Not applicable

1	2	3	4	5	6	7	8
3. Finance Officer	*1 (One) 1994 *Subject to variation dependent on work load	Group A	Rs. 2200-75-2800-EB-100-4000	Not applicable	Not applicable	Not applicable	Not applicable
9	10	11	12	13	14		
Not applicable	Not applicable	By transfer on deputation.	Transfer on deputation : Officers of the Audit and Accounts service Defence Accounts Service, Railway Accounts Service:-- (i) holding analogous post or (ii) Accounts Officer in the scale of Rs. 2374-3500 with 2 years regular service or (iii) Officers in the scale of Rs. 2000-3500 with 3 years regular service. NOTE:--The maximum age-limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications. (Period of deputation shall ordinarily not to exceed three years).	Not applicable	Not applicable		
1	2	3	4	5	6	7	8
4. Private Secretary	*1 (One) 1994 *Subject to variation dependent on work load	Group B	Rs. 2000-60-2300-EB-75-3200-100-3500	Selection	Not applicable	Not applicable	Not applicable
9	10	11	12	13	14		
Not applicable	Not applicable	By transfer on deputation/promotion.	Transfer on deputation/ Promotion : Official of the Central Government/State Governments/ Statutory Organisations or Autonomous Organisations/ Public Sector Undertaking— (i) holding analogous post or (ii) Stenographer in the pay scale of Rs. 1400-2300/ Rs. 1640-2900 with 8/5 years regular service in the grade respectively. Departmental Candidate will also be considered alongwith outsiders and if selected for appointment to the post, it is to be treated as having been filled by promotion. NOTE:--The maximum age/limit for appointment by transfer	Not applicable	Not applicable		

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on deputation shall be, no exceeding 56 years, as on the closing date of receipt of applications.

(Period of deputation shall ordinarily not to exceed three years).

1	2	3	4	5	6	7	8
5. Accountant	*1 (One) 1994 *Subject to variation dependent on work load	Group B	Rs. 1440-60-2600-EB-75-2900	Not applicable	Not applicable	Not applicable	Not applicable

9	10	11	12	13	14
Not applicable	Not applicable	By transfer on deputation.	Transfer on Deputation : Officers under the Central Government: (i) holding analogous post of subordinate Accounts Service Accountant. (ii) Subordinate Accounts Service passed clerks from any of the organised Accounts Departments. NOTE:—The maximum age-limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications. (Period of deputation shall ordinarily not to exceed three years).	Not applicable	Not applicable

1	2	3	4	5	6	7	8
6. Personal Assistant	*1 (One) 1994 *Subject to variation dependent on work load	Group C	Rs. 1400-40-1800-EB-50-2300	Not applicable	Between 18 and 25 years (Relaxable for Government Servants/ Employees of Autonomous Organisations under the Central Government upto 40 years in accordance with the instructions and orders issued by the Central Government).	Not applicable	Essential : (i) Graduate from a recognised University or equivalent. (ii) A speed of 100 words per minute in Shorthand and 40 words per minute in typewriting. Desirable : 2 years experience as stenographer in any organisation. NOTE : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman & Nicobar Islands & Lakshadweep). In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit

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shall be the last date upto which the Employment Exchange is asked to submit the names.

9	10	11	12	13	14
Not applicable	Two years.	By direct recruitment. NOTE: Vacancies caused by the incumbent being away on transfer on deputation or long illness or leave or under other circumstances for a period of one year or more, may be filled up on transfer on deputation from officials of the Central/State Governments/Public Sector Undertakings/Autonomous Bodies holding analogous posts on regular basis and possessing the qualifications prescribed for direct recruits.	Not applicable	Group 'C' Department Promotion Committee (for considering confirmation):— 1. Member Secretary—Chairman 2. Additional Director (WL)—Member 3. An Officer belonging to Scheduled Castes/Scheduled Tribes—Member 4. Finance Officer—Member	Not applicable

1	2	3	4	5	6	7	8
7. Upper Divisional Clerk.	*1 (One) 1994 *Subject to variation dependent on work load.	Group 'C' Rs. 1200-30-1560-EB-40-2040	Non-selection	Between 21 and 25 years (Relaxable for Government servants/Employees of Autonomous Organisations under Central Government upto 40 years in accordance with the instructions or orders issued by the Central Government). NOTE : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date	Not applicable	(i) A degree from a recognised University or equivalent. (ii) At least three year's experience in handling correspondence independently and having a speed of 30 words per minute/25 words per minute in English/Hindi typewriting.	

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prescribed
for those in
Assam,
Meghalaya,
Arunachal
Pradesh,
Mizoram,
Manipur,
Nagaland,
Tripura,
Sikkim,
Ladakh
Division of
Jammu and
Kashmir
State, Lahaul
Spiti District
and Pangi
Sub-Division
of Chamba
District of
Himachal
Pradesh,
Andaman &
Nicobar
Islands or
Lakshadweep).

9	10	11	12	13	14
Not applicable	Two years for direct recruits.	By promotion failing which by direct recruitment.	Promotion: From the grade of Lower Division Clerk with eight years regular service in the grade.	Group 'C' Departmental Promotion Committee (for considering confirmation/promotion) :— 1. Member Secretary—Chairman 2. Additional Director (WL) Ministry of Environment and Forests—Member 3. An officer belonging to Scheduled Casts/Scheduled Tribes—Member 4. Finance Officer—Member	Not applicable

1	2	3	4	5	6	7	8
8. Lower Division Clerk.	*1 (One) (1994) ! *Subject to variation dependent on work load.	Group 'C'	Rs. 950–20–1150–EB–25–1500.	Not applicable	Between 18 and 25 years. (Relaxable for Government servants/ Employees of Autonomous Organisations under the Central Government upto 40 years in accordance with the	Not applicable	(i) Matriculation or equivalent qualifications from a recognised University or Board. (ii) A typing speed of 30 words per minute in English or 25 per minute in Hindi.

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instructions or orders issued by the Central Government).
 NOTE : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India, (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep).

9	10	11	12	13	14
Yes	Two years	90% by direct recruitment through Employment Exchange. 10% of the vacancies shall be filled up from amongst the Group 'D' staff who possess matriculation or equivalent qualifications and have rendered 5 years regular service in Group 'D' on the basis of a seniority-cum-fitness.	Not applicable	Group 'C' Departmental (Promotion Committee (for considering confirmation), 1. Member Secretary—Chairman 2. Additional Director (WL) Ministry of Environment and Forests—Member 3. An officer belonging to Scheduled Castes/Scheduled Tribes—Member 4. Finance Officer—Member	Not applicable

1	2	3	4	5	6	7	8
9. Staff Car Driver.	*1 (One) 1994 *Subject to variation dependent on work-load.	Group 'C'	Rs. 950-20-1150-EB-25-1500	Not applicable	Not exceeding 28 years. (Relaxable for Government servants/ Employees of Autonomous Organisation under the Central Government upto 40 years in accordance with the instructions or orders issued by the Central Government). NOTE : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).	Not applicable	(i) 8th Standard passed or equivalent. (ii) Possession of a valid Driving Licence for light and heavy vehicles. (iii) Should be conversant with routine maintenance, servicing and be able to do running repairs.

9	10	11	12	13	14
Not applicable	Two years	By direct recruitment (Through Employment Exchange).	Not applicable	Group 'C' Departmental Promotion Committee (for considering confirmation). 1. Member Secretary--- Chairman 2. Additional Director (WL) Ministry of Environment and Forests---Member 3. An Officer belonging to Scheduled Castes/Scheduled Tribes---Member 4. Finance Officer---Member	Not applicable

1	2	3	4	5	6	7	8
10. Peon	*2 (Two) 1994 *Subject to variation dependent on work-load.	Group 'D' Rs. 750-12-870-EB-14-940	Not applicable	Between 18 and 25 years. (Relaxable upto 40 years for Government servants/ Employees of Autonomous Organisations under the Central Government in accordance with the instructions or orders issued by the Central Government).	Not applicable	(i) Passed 8th Standard. (ii) Knowing cycling.	

9	10	11	12	13	14
Not applicable	Two years	By direct recruitment (Through Employment Exchange).	Not applicable	1. Member Secretary--- Chairman 2. Additional Director (WL) ---Member 3. An officer belonging Scheduled Castes/Scheduled Tribes---Member 4. Finance Officer ---Member	Not applicable

[P. No. 6-6/94-WL-I]
SARWESHWAR JHA, Jt. Secy.

निर्माण महानिदेशालय

(केन्द्रीय लोक निर्माण विभाग)

नई दिल्ली, 13 दिसम्बर, 1994

का. भा. 3562:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, निम्नलिखित कार्यस्थलों, जिनके कर्मचारियों ने शिक्षा का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. मुख्य इंजी. (उ. अं.) के. लो. नि. वि., रामकृष्ण पुरम्, नई दिल्ली

2. केन्द्रीय विद्युत मंडल सं. 8, के. लो. नि. वि., आई. पी. भवन, नई दिल्ली

3. वरिष्ठ वास्तुक 8, के. लो. नि. वि., रामकृष्ण पुरम्, नई दिल्ली

4. वरिष्ठ वास्तुक 2, के. लो. नि. वि., रामकृष्ण पुरम्, नई दिल्ली

5. चंडीगढ़ केन्द्रीय मंडल सं. 2, के. लो. नि. वि., चंडीगढ़

6. भोपाल केन्द्रीय विद्युत मंडल, के. लो. नि. वि., भोपाल

7. करनाल केन्द्रीय मंडल,
के. लो. नि. वि., 448, सुभाष कालोनी,
करनाल, हरियाणा
8. दिल्ली केन्द्रीय परिसंजल सं.-5,
के. लो. नि. वि., नई दिल्ली
9. विद्युत मंडल-10
के. लो. नि. वि., सावित्री नगर,
नई दिल्ली
10. वरिष्ठ वास्तुक-9,
के. लो. नि. वि.,
रामकृष्ण पुरम्, नई दिल्ली
11. जयपुर केन्द्रीय परिसंजल,
के. लो. नि. वि.,
जी. एस. आई. काम्प्लेक्स,
मालवीय नगर, जयपुर
12. जोधपुर केन्द्रीय मंडल,
के. लो. नि. वि.,
जी-50, शास्त्री नगर,
जोधपुर
13. करनाल केन्द्रीय विद्युत मंडल,
के. लो. नि. वि.,
करनाल (हरियाणा)
14. लखीमगढ़ केन्द्रीय परिसंजल,
के. लो. नि. वि.,
लखीमगढ़
15. मुख्य इंजीनियर (प्रशि.)
के. लो. नि. वि.,
"ई" विंग, निर्माण भवन,
नई दिल्ली
16. समन्वय परिसंजल (प. सं.)
के. लो. नि. वि.,
बम्बई-20
17. पुष्प विहार अनुसंधान मंडल,
के. लो. नि. वि.,
पुष्पा भवन, नई दिल्ली
18. माधोपुर केन्द्रीय मंडल,
के. लो. नि. वि.,
माधोपुर
19. नागपुर केन्द्रीय परिसंजल,
के. लो. नि. वि.,
सेमिनरी हिल्स, नागपुर
20. दिल्ली केन्द्रीय विद्युत परिसंजल-2,
के. लो. नि. वि.,
नई दिल्ली-66
21. वरिष्ठ वास्तुक (उ. अ.),
के. लो. नि. वि.,
भार. के. पुरम्, नई दिल्ली
22. मंडल "जी", के. लो. नि. वि.,
नई दिल्ली
23. मंडल "एम", के. लो. नि. वि.,
नई दिल्ली
24. विज्ञान भवन विद्युत मंडल,
के. लो. नि. वि.,
नई दिल्ली-11
25. ग्रामीण निर्माण सर्वेक्षण (उ. अ.),
के. लो. नि. वि.,
ईस्ट ब्लॉक-6, लेबल-5,
भार. के. पुरम्, नई दिल्ली
26. केन्द्रीय भण्डार परिसंजल,
के. लो. नि. वि.,
नेताजी नगर, नई दिल्ली
27. श्रीनगर केन्द्रीय मंडल,
के. लो. नि. वि.,
जम्मू
28. औरंगाबाद केन्द्रीय मंडल
के. लो. नि. वि.,
औरंगाबाद
29. जालंधर केन्द्रीय परिसंजल,
के. लो. नि. वि.,
जालंधर
30. पटना केन्द्रीय परिसंजल,
के. लो. नि. वि.,
पटना-20
31. यमुना सेतु परियोजना परिसंजल-1,
लो. नि. वि. (वि. प्रशा.),
नई दिल्ली
32. जिला न्यायालय एवं अधिवक्ता चैम्बर,
प्रोजेक्ट मंडल, लो. नि. वि. (वि. प्रशा.),
शाहदरा, दिल्ली
33. उद्यान विकास मंडल-2
लो. नि. वि. (वि. प्रशा.),
नई दिल्ली
34. लोक निर्माण विभाग मंडल-18, (वि. प्रशा.),
नई दिल्ली
35. यमुना सेतु परियोजना मंडल-3,
लो. नि. वि. (वि. प्रशा.),
दिल्ली

36. यमुना सेतु परियोजना मंडल-6,
लो. नि. वि. (दि. प्रशा.),
नई दिल्ली
37. यमुना सेतु परियोजना वैद्युत मंडल,
एम. एम. ओ. बिल्डिंग, 7 वीं मंजिल,
नई दिल्ली।
38. लोक निर्माण विभाग वैद्युत मंडल-9,
(दि. प्रशा.), नई दिल्ली।
39. गुरु तेग बहादुर मडिकल कॉलेज,
एवं अस्पताल परियोजना मंडल सं. 2,
(दि. प्र.), शाहपुरा, दिल्ली
40. यमुना सेतु परियोजना परिमंडल सं.-3,
एम. एम. ओ. भवन, प्रथम तल,
नई दिल्ली।
41. यमुना सेतु परियोजना मंडल सं. 5,
लो. नि. वि. (दि. प्र.),
नई दिल्ली।
42. नागपुर केन्द्रीय मंडल सं. 2,
के. लो. नि. वि., नागपुर।
11. Jaipur Central Circle, C.P.W.D.
G.S.I. Complex, Malviya-Nagar, Jaipur.
12. Jodhpur Central Division, C.P.W.D.
G-50, Shastri Nagar, Jodhpur.
13. Karnal Central Electrical Division,
C.P.W.D. Karnal (Haryana).
14. Chandigarh Central Circle, C.P.W.D.
Chandigarh.
15. Chief Engineer (Training C.P.W.D. "E"
Wing, Nirman Bhawan, New Delhi.
16. Co-ordination Circle (W.Z.) C.P.W.D.
Bombay-20.
17. Pushp Vihar Maintenance Division, C.P.W.D.
Pushpa Bhawan, New Delhi.
18. Madhopur Central Division, C.P.W.D.
Madhopur.
19. Nagpur Central Circle, C.P.W.D. Seminari-
Hills, Nagpur.
20. Delhi Central Electrical Circle-2, C.P.W.D.
New Delhi.
21. Senior Architect (North Zone) C.P.W.D.
R.K. Puram, New Delhi.
22. "G" Division, C.P.W.D. New Delhi.
23. "M" Division, C.P.W.D. New Delhi.
24. Vigyan Bhawan Electrical Division,
C.P.W.D. New Delhi-11.
25. Superintending Surveyor of Works (N.Z.)
CPWD, East Block-1, Level S, R.K.
Puram, New Delhi.
26. Central Stores Circle, C.P.W.D. Netaji
Nagar, New Delhi.
27. Shrinagar Central Division, C.P.W.D.
Jammu.
28. Aurangabad Central Division, C.P.W.D.
Aurangabad.
29. Jalandhar Central Circle, C.P.W.D. Jal-
andhar.
30. Patna Central Circle, C.P.W.D. Patna-20.
31. Yamuna Bridge Project Circle No. 1,
C.P.W.D. (D.A.) New Delhi.
32. District Court & Advocate Chamber Pro-
ject Division, P.W.D. (D.A.) Shadra,
Delhi.
33. Horticulture Development Division No. 2,
PWD (D.A.) New Delhi.
34. P.W.D. Division-18 (D.A.) New Delhi.
35. Yamuna Bridge Project Div. No. 3, P.W.D.
(D.A.), Delhi.

[सं. 5(1)/94-हिन्दी]

के. के. मदान, निर्माण महानिदेशक

DIRECTORATE GENERAL OF WORKS
(Central Public Works Department)

New Delhi, the 13th December, 1994

S.O. 3502.—In pursuance of Sub-Rule (4) of Rule-10 of the Official Language (Use for Official purposes of the Union) Rules 1976, the Central Govt. hereby Notifies the following Offices, the staff where-of have acquired a working knowledge of Hindi :

1. Chief Engineer (North Zone) C.P.W.D.
R.K. Puram, New Delhi.
2. Central Electrical Division No. 8, C.P.W.D.
IP Bhawan New Delhi.
3. Senior Architect-8, CPWD, R.K. Puram,
New Delhi.
4. Senior Architect-2, CPWD R.K. Puram,
New Delhi.
5. Chandigarh Central Division No. 2, CPWD,
Chandigarh.
6. Bhopal Central Electrical Div. CPWD,
Bhopal.
7. Karnal Central Division, CPWD, 448-
Subhash Colony, Karnal (Haryana).
8. Delhi Central Circle 5, CPWD, New Delhi.
9. Electrical Division-10, CPWD, Sadik Nagar,
New Delhi.
10. Senior Architect-9 C.P.W.D. R.K. Puram,
New Delhi.
27. Shrinagar Central Division, C.P.W.D.
Jammu.
28. Aurangabad Central Division, C.P.W.D.
Aurangabad.
29. Jalandhar Central Circle, C.P.W.D. Jal-
andhar.
30. Patna Central Circle, C.P.W.D. Patna-20.
31. Yamuna Bridge Project Circle No. 1,
C.P.W.D. (D.A.) New Delhi.
32. District Court & Advocate Chamber Pro-
ject Division, P.W.D. (D.A.) Shadra,
Delhi.
33. Horticulture Development Division No. 2,
PWD (D.A.) New Delhi.
34. P.W.D. Division-18 (D.A.) New Delhi.
35. Yamuna Bridge Project Div. No. 3, P.W.D.
(D.A.), Delhi.

36. Yamuna Bridge Project Div. No. 1, P.W.D. (D.A.) New Delhi.
37. Yamuna Bridge Project Elect. Division, M.S.O. Building, 7th Floor, New Delhi.
38. P.W.D. Electrical Division No. 9, (D.A.), New Delhi.
39. Guru Teg Bahadur Medical College & Hospital Project Div. No. 2, (D.A.), Shahdara, Delhi.
40. Yamuna Bridge Project Circle No. 3, M.S.O. Building, 1st Floor, New Delhi.
41. Yamuna Bridge Project Div. No. 5, P.W.D. (D.A.), New Delhi.
42. Nagar Central Division No. 2, C.P.W.D. Nagpur.

[No. 5/194-HINDI]

K. K. MADAN, Director

श्रम मंत्रालय

नई दिल्ली, 1 दिसम्बर, 1994

का.श्रा. 3563.—औद्योगिक विवाद अधिनियम, 1947 (1947 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नीची एम बी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-94 को प्राप्त हुआ था।

[सं. एल-42012/5/90-आईआर (डीयू)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 1st December, 1994

S.O. 3563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 28th November, 1994

[No. L-42012/5/90-IR(DU)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. No. 172/90

Gulshan Kumar

Vs.

Bhakra Beas Management Board

For the Workman—Sh. R. K. Singh.

For the Management—Shri C. Lal.

AWARD

Dated. the 1st November, 1994

In the wake of Industrial Dispute raised by the workman,
Central Government vide letter No. L-42012/5/90-IR.(DU)

dated 9th November, 1990, referred the following dispute to this tribunal for adjudication:

"Whether the action of the Management of the BBMB rep. through the Chief Engineer, Bhakra Mechanical Division in terminating the services of Shri Gulshan Kumar Bus Conductor w.e.f. 15th September, 1987 is justified? If not, to what relief the concerned workman is entitled to?"

The brief facts, relevant for the disposal of present reference, are that Gulshan Kumar, workman, was employed as Bus Conductor by the Bhakra Beas Management Board w.e.f. 11th February, 1987. He worked till 15th September, 1987 with a notional break when his services were terminated. The petitioner workman has challenged his termination on the ground, that the post of Bus Conductor is a permanent one, against which, he was employed, but his services had been terminated by unfair manners, after putting a notional break of 9 days. According to the petitioner, one Harbhajan Singh S/o Shri Mast Singh, has been employed as Bus Conductor in his place by the Management and he was not called for re-employment. In all, it has been alleged that his termination is bad and he is entitled for re-instatement with full back wages. On the footing aforesaid ground, the workman raised the dispute in question.

The Management contested the claim of the workman and filed the written reply inter alia, stoutly denying the allegations of the workman. The case set up by the Management, in so far as the relevant, is that, the service of the petitioner came to an end, after the expiry of specified period, as per offer of appointment. According to the Management, the workman is not entitled for any relief under the Industrial Dispute Act. That being so, the Management prayed for the dismissal of the reference petition.

Controverting the allegations, contained in the written statement and reasserting the pleadings contained in the statement of claim, the workman filed the replication.

On 28th October, 1994 the workman had moved an application to withdraw the case. Since the parties have compromised the matter. Therefore, the workman has made the following statement on 28th October, 1994:

"I shall not press my reference petition, if the Management provides me fresh appointment of Bus Conductor on regular basis. I will not claim any benefit of my previous service. If I am appointed on a regular basis as a Bus Conductor. I will also not press my LCA No. 337/94."

The Rep. of the Management has also made the following statement on 28th October, 1994:

"I have heard the statement of petitioner, Gulshan Kumar, the Management will freshly appoint him as Bus Conductor on a regular basis within one week."

Today, the Representative of the Management has given the appointment letter which has been accepted by the workman and he made the following statement on 1st November, 1994.

"I accept the offer of appointment dated 31st October, 1994. Since the Management has given me fresh regular appointment, I do not press my Reference. I have settled all my cases with the Management. The Reference be dismissed as withdrawn."

In this view of the matter, since the matter has been settled amicably by the parties and the Management has given the appointment letter on regular basis, which has been accepted by the workman, so, no dispute remains to be adjudicated upon, and the reference petition is directed to be dismissed as having become infructuous. The appropriate Government be informed accordingly. File be consigned to record room.

M. S. SULLAR, Presiding Officer

CHANDIGARH,
Dated : 1-11-1994.

नई दिल्ली, 1 दिसम्बर, 1994

का.आ. 3564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एकसीआई के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-94 को प्राप्त हुआ था।

[सं. एल-22012/362/एफ/91-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 1st December, 1994

S.O. 3564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunals, Assam as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 29-11-1994.

[No. L-22012/362/F/91-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM

Reference No. 4(C) of 1992

PRESENT :

Shri J. C. Kalita,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute :

BETWEEN

The Sr. Regional Manager,
Food Corporation of India,
G.S. Road, Ulubari, Guwahati-7.

AND

Sri Pradip Ch. Deka,
Food Corporation of India,
Nalbari Food Storage Depot, Nalbari.

APPEARANCES :

Shri Baikuntha Sarma, Advocate—For the Management.
Shri Arabinda Kalita Advocate—For the Workman.

AWARD

The Government of India, Ministry of Labour, New Delhi, by a Notification No. L-22012/362/F/91-IR (C-II) dated 24-3-92 referred an Industrial Dispute between the Management of F.C.I. Senior Regional Manager, G. S. Road, Guwahati-7 and its workman Sri Pradip Ch. Deka, FSD, Tihu for adjudication with copies to both the parties. On receipt of the notification a case was registered and notices were sent to the parties to appear before this Tribunal and to file their written statements. Both parties appeared and filed their written statement with few documents.

The Management in their written statement contended that the workman Pradip Ch. Deka was engaged as casual labour in F.S.D., Nalbari during the period from 3-4-82 to 30-4-85 on daily wage basis, but since May, 1985 he discontinued his employment. He has been working on piece rate basis at Nalbari FSD. So there arises no question of retrenchment and is not entitled to claim retrenchment benefit under Section 25-F of the Act.

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The workman in his written statement stated that he was appointed as casual labour by the F.C.I. vide Notification No. 1/R/34(4) VCI/11/8/DI4C dated 3-4-81 and had been working at Nalbari, FSD till he was discharged from service on May, 1985 without paying retrenchment compensation. He is now working under the contractor at FSD Nalbari without future. He raised the dispute before the Labour Commissioner, but gets no relief. His retrenchment is illegal and claims to be reinstated.

The workman examined himself but the management declined to examine any witness.

The reference reads as follows :

“Whether the action of Sr. Regional Manager, FCI, Management in terminating the casual labour service of Sri Pradip Ch. Deka, casual labour w.e.f. 30-4-85 without payment of notice/notice pay and retrenchment compensation (under 25-F) and not taking him in direct employment of FCI is justified? If not, to what relief the workman is entitled to?”

It has been seen that the reference has three parts—

- (i) Whether the Management is justified in terminating the service of Sri Pradip Ch. Deka, a casual worker of FCI with effect from 30-4-85,
- (ii) Whether his retrenchment without paying the retrenchment compensation as required under Section 25-F of the Act is justified,
- (iii) Whether the Management is justified in not regularising him into the service of FCI.

It has been clear from the written statement of the management that the workman worked as casual labour at FSD, Nalbari with effect from 3-4-82 to 30-4-85. The documents filed by the workman issued in his favour show some discrepancies as to the date of working. The Industrial Dispute Act provides that a casual worker working for more than 240 days continuously in a year is entitled to the benefits extended under the Act. Whether he had been working from 1981 or 1982, the fact remains that he worked for about 3 years continuously under the FCI. The Management failed to refute this contention.

The workman deposed that he was dismissed from service by the Depot incharge from May, 1985 stating that there is no work. Now he is working under a contractor. What the workman is doing after 1985 is not the question to be decided, the question is whether he was illegally retrenched though he ought to have been regularised after three years of continuous service.

A person to be a workman within the meaning of the definition of the Industrial Dispute Act must be one employed in an industry for hire or reward, and his terms of employment may be expressed or implied. It is proved in evidence that the Management utilised his service for which he was duly paid. So he acquired the status of a workman. That he was retrenched from service can be well said from the contention of the Management that he is now working under a contractor. Before being a contractual labour he was a casual labour working directly under the administrative Control of FCI. When he is working under a contractor for the same nature of work which he had to discharge as a casual labour, it can not be said that he was dismissed for no work. Such type of retrenchment of a casual labour after 3 years of services is not only unjustified but also an anti labour policy. So his termination from service with effect from 30-4-85 is illegal and unjustified.

Management has nowhere stated that it has paid the retrenchment compensation to the workman as required under Section 25-F of the Act. When there is a prayer for reinstatement and termination from service is held to be unjustified, the question of retrenchment compensation under Section 25-F of the Act needs no discussion. When there are sufficient works to be carried out by workers who were continuously working for more than 240 days in a year

needs to be regularised. As he was in the employment of FCI for about 3 years he ought to have been regularised instead of throwing him away from the employment.

In view of the discussion held above I am of the opinion that the Management was not justified in terminating the service of Sri Pradip Ch. Deke with effect from 30-4-85. He is required to be reinstated. According to the management is hereby directed to reinstate him in the service of the FCI with full back wages as paid to other workers of the category as if he is in continuous service since April, 1985.

I give this Award on this 14th day of November, 1994 at Guwahati under my hand and seal.

J. C. KALITA, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 1994

का.सं. 3565.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाषा 17 के अनुसूचन में, एकसी आई के प्रबन्धनत्व के संबद्ध निवाजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असम के पंचरस का प्राकृषिव परती है, जो केन्द्रीय सरकार का 29-11-94 को प्राप्त हुआ था।

[नं. एन-22012/363/एक/91-आईप्रार(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 1st December, 1994

S.O. 3565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Assam as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 29-11-1994.

[No. L-22012/363/F/91-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM

Reference No. 6(C) of 1992

PRESENT :

Shri J. C. Kalita,
Presiding Officer,
Industrial Tribunal, Guwahati,
In the matter of an Industrial Dispute :

BETWEEN

The Sr. Regional Manager,
Food Corporation of India,
G.S. Road, Ulubari, Guwahati-7.

AND

Sri Nagen Seal,
Food Corporation of India, Tihu,
Food Storage Depot, Tihu.

APPEARANCES :

Shri Baikuntha Sorma, Advocate—For Management.

Shri Arabinda Kalita, Advocate—For the Workman.

AWARD

The Government of India, Ministry of Labour, New Delhi by a notification No. L-22012/363/F/91-IR (C-II) dated 26-3-92 referred an Industrial Dispute between the Management of F.C.I. Sr. Regional Manager, Food Corporation of India, Ulubari Guwahati-7 and Sri Nagen Seal, FCI, Tihu Food Storage Depot, Tihu for adjudication with copies to both the parties. On receipt of the notification a case was

registered and notices were sent to both the parties to appear before this Tribunal and to file their written statements. Both the parties appeared and filed their written statements together with few documents.

Management in their written statement stated that the workmen Nagen Seal was engaged as casual labour during the period from June, 1981 to February, 1985 on temporary basis till he was discontinued with effect from March 1985 as the handling operations of FSD at Tihu were taken to be carried out through the workers under the handling contractors named as "workers Management Committee" since 1987. Thereafter no question of engagement of workers directly by the Management arisen. The worker is a member of the workers Management committee at present and is working at Tihu FSD. He was never retrenched and no question of retrenchment benefit arises. He is earning his livelihood by working under the workers Management Committee. As such he is not entitled to the reliefs claimed.

The workman in his written statement stated that he was appointed as Mali cum casual labour by the Depot incharge of FSD, Tihu with effect from 7-6-81 vide DM's order No. 18/(80) DM/VO/II/1112 dated 23-6-81. He was working as such till he was retrenched with effect from February, 1985. He worked in FSD Tihu continuously from 1981 to 1985. Though there was sufficient works he was terminated from service without complying the provision of Section 25-F of the Act. After continuous service for about 4 years his retrenchment stands illegal and prays for reinstatement with full back wages.

Management declined to examine any witness whereas the workman examined himself.

The reference reads as follows—

"Whether the action of the management of Food Corporation of India, Guwahati, in terminating the services of Shri Nagen Seal, Casual Labour w.e.f. February, 1985 without payment of notice/notice pay and retrenchment compensation (Under 25-F) and not taking him in direct employment of FCI is justified? If not, to what relief the workman is entitled to?"

It has been seen that the reference has three issues—

- (i) Whether the Management is justified in terminating the service of Shri Nagen Seal, a casual worker of FCI with effect from February, 1985;
- (ii) Whether the retrenchment without paying the retrenchment compensation as required under Section 25-F of the Act is justified,
- (iii) Whether the Management is justified in not regularising him into the employment of FCI.

Though the learned counsel for the management in their written statement admitted that the workman was initially engaged as Casual labour during the period from June, 1981 to February, 1985 at FSD Tihu but tactfully submitted that the workman became a contractual labour working under the control of workers Management Committee since the abolition of the scheme of casual labour System by the FCI. The workman is still working as contractual labour under the workers Management Committee. In reply there to the learned counsel for the workman submitted that the workman was engaged as Mali-cum-casual labour in Food Storage Depot at Tihu vide Notification No. 18/(80)DMG/VO/II/1112 dated 23-6-81, conferring the status of a casual labour, not a contractual labour as claimed by the learned counsel for the Management. When his regularisation in service was refused by the Management, he had to work as contractual labour under the workers Management Committee for his livelihood after termination from service with effect from February, 1985. The dispute relates to the period as casual labours and not to the period as contractual labour.

A person to be a workman within the meaning of the definition of the Industrial Dispute Act must be one employed in an Industry for hire or reward and his term of employment may be expressed or implied. Exhibit 1 is the

appointment letter issued to the workman Sri Nagen Seal engaging him as Mali on daily wage basis with effect from 7-6-81. It is further mentioned in the appointment letter that the service of the Mali should not be utilised on Sunday. His service was hired on payment of wages, so he required the status of a workman though was engaged as Mali-cum-casual workers. It is now clear that the workman worked in FCI at Tihu for about 4 years continuously.

The workman deposed that his service was terminated with effect from 1985 with reference to a letter issued by the District Manager F.C.I. Exhibit 2 is a letter written by the Depot Incharge, Tihu to the District Manager, Guwahati. Such termination from service under the plea of abolition of casual labour system by introducing the system of contractual labour under the workers Management Committee, is against the provision of Industrial Dispute Act. Even if the abolition of casual labour system is deemed to be a policy of the Management, such policy can not be implemented with retrospective effect. The workman was unnecessarily victimised for no fault of him. His continuous service for more than 3 years shows how essential was his service for the interest of the Management. It can be well said that the Management was not justified in terminating the service of workman Sri Nagen Seal with effect from February, 1985.

Management nowhere stated that the workman was paid retrenchment compensation as required under Section 25-F of the Act. I have already held that termination of service of Sri Nagen Seal was not justified, and there is a prayer for reinstatement. Question of retrenchment compensation needs no discussion and decision. According to the Management his service as casual labour had to be terminated because of the introduction of new scheme of contractual labour under the workers Management Committee by abolishing the existing system of casual labour. It means that there were sufficient works to be carried out by manual labour. When there are continuously working for more than 240 days in a year needs to be regularised. This workman was in employment of the FCI for more than 3 years, and he ought to have been regularised by the Management instead of throwing him away from the employment under the plea of abolishing the system of casual labour.

In view of the discussion held above I am of the opinion that the Management was not justified in terminating the service of Sri Nagen Seal with effect from February, 1985. He is required to be reinstated. Accordingly the management is hereby directed to reinstate him in the service of the FCI with full back wages as paid to other workers of that category as if he is in continuous service since February, 1985.

I give this Award on this 14th day of November, 1994 at Guwahati under my hand and seal.

J. C. KALITA, Presiding Officer

नवेदितं, 2 दिसम्बर, 1994

का. नं. 3566--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रवचन में, केन्द्रीय सरकार सिविलिट बैंक के प्रवचन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, जहाँ म सिविलिट औद्योगिक विवाद में औद्योगिक विवाद अधिनियम के विषय को प्रकाशित करती है, जो केन्द्रीय सरकार की 2-12-94 को प्राप्त हुआ था।

[नं. एन-12012/370/91-आई. आर. (सी-II)]

बी.के. शर्मा, ईस्क अधिकारी

New Delhi, the 2nd December, 1994

S.O. 3566--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey as shown in the Annexure in the industrial dispute between the employers in relation to the management of

Syndicate Bank and their workmen, which was received by the Central Government on 2-12-1994.

[No. I-12012/370/91-IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALLEPPEY

(Dated this the 15th day of November, 1994)

PRESENT :

Shri K. Kanakachandran, Industrial Tribunal,

I. D. No. 14/92

BETWEEN

The Deputy General Manager, Syndicate Bank, Zonal Office, Sastha Kripa Office Complex, Sasthamangalam, Trivandrum-695010 (Kerala).

AND

The workmen of the above concerned represented by the Assistant Secretary, Syndicate Bank Staff Association, B.M.S. Office, T.D. Road, Ernakulam, Cochin-682035.

Representations :

Sri P. V. Narayanan Nambiar, Advocate, Ernakulam—for Management.

Sri K. Ramakumar, Advocate, "Sunthruppi" Kalathiparamb Lane, Valanjambalam, Cochin-16—for Union.

AWARD

1. This dispute for adjudication is on a reference by the Government of India's Order dated 26-3-1992. The issue referred for adjudication reads as follows :—

"Whether the action of the management of Syndicate Bank in denying the Employment to Sri P. Sivaji, temporary attender, Mavoor Road Branch, Calicut (Kerala) w.e.f. 1-1-1991 is justified? If not, to what relief the concerned workman is entitled to?"

2. In the claim statement filed by the union the period of service rendered by the workman concerned from the year 1986 to the date of denial of employment viz., 31-2-1990 had been stated in detail. In the year 1990 he had worked for 322 days. The number of days he worked on each month in that year is also given in details in the claim statement. It is stated that the workman had been working on temporary basis all along and in the year 1990 an additional post of Attender was created by the management in the Mavoor Branch on permanent basis. The workman had worked in that permanent post also. Although in the additional post created one Vasudevan was transferred and posted by an order dated 14-3-1990, he joined duty only on 9-10-1990. Even after the joining of Vasudevan, the workman herein, was continuing as Attender for the period upto 31-12-1990 in the other permanent vacancies on temporary basis. Since he had rendered 240 days of continuous service in the Calendar year immediately preceding the date of denial of employment, dispensation of his service is nothing but a retrenchment and in that case he would be entitled for all kinds of protection as envisaged in Section 25-F of the I. D. Act. The reliance is also made on Clause 20.8 of the first bipartite settlement dated 19-10-1966 to sustain his claim for absorption in service. According to them the workman was fully qualified to hold the post of an Attender in the management bank. He had registered his name with the Employment Exchange and having registration number 14043/84. Although he got registration in the Employment Exchange, the management did not consider his claim for regular appointment. Therefore the plea is to declare that the denial of employment to the workman from 1-1-1991 was illegal. Plea is also made for reinstatement of the workman with the benefit of back wages.

3. The management in their counter statement has challenged the very status of the workman concerned by contending that since there was no Master and Servant relationship between the workman and the management bank, there will not be an industrial dispute so as to adjudicate. Since the workman concerned was neither dismissed nor discharged from service, the reference itself is incompetent. Since P. Sivaji was not a workman of the Syndicate Bank he cannot be termed as a workman as defined in the I. D. Act. Moreover Syndicate Bank Staff Association does not have any locus standi to raise this dispute also because that trade union can represent only the employees of the Bank. Regarding the merit of the contention it is stated that since Sivaji was given temporary employment against the temporary vacancy of regular attenders of Mavoor Road Branch, he will not have any vested right to get permanent employment. Such temporary appointment was in terms of paragraph 20.7 of the bipartite settlement which permits the Bank to appoint a temporary workman for work (i) which is of essentially temporary nature (ii) when there is temporary increase in work of permanent nature and or (iii) when there is temporary vacancy caused by the absence of a permanent workman.

4. In terms of the above said provisions, Sivaji was employed on various dates between 5-3-1986 and 31-12-1990. During the year 1990 Sivaji had worked for more than 240 days. In the year 1990, an additional permanent vacancy was created in the Mavoor Road Branch and in that post one P. Vasudevan was transferred and posted. But on account of the delay in relieving him from Cherooty Road Branch in which he was working then, the workman had to be employed till 9-10-1990. Because of the posting order issued to Vasudevan, the permanent vacancy at Mavoor was notionally filled up on 14-3-1990 itself. It cannot be said that the permanent vacancy was remaining as an unfilled till the joining of Vasudevan on 9-10-1990. It is further stated that if the vacancy created at the said branch was not filled up in any manner and Sivaji was worked in that circumstance for more than 240 days, then only the issue of his eligibility for absorption may arise. Regarding the temporary appointment given to him it is contended that it was basically wrong, arbitrary and the result of unlawful act on the part of the Manager of the Mavoor Road Branch. It is further contended that as per the directives of the Government of India, any temporary vacancy arising in the place of regular sub-staff has to be filled up from the panel prepared by the Bank who were drawn from Employment Exchange. Regarding the applicability of Section 25-F it is the case of the Management Bank that none of the conditions stipulated in that sub-section are applicable in respect of the workman concerned. Because, the action of discontinuation/stoppage of service of Sivaji cannot be a retrenchment so as to attract Section 25-F of the I. D. Act. His case will come only under the exemption clause contemplated in sub-clause (bb) of Section 2(oo) of the I. D. Act defining 'retrenchment'.

5. Before going to the merit of the case it is essential to decide the status of the workman concerned in this dispute. Admittedly he had worked as an Attender on temporary basis. He had also worked as an Attender in the permanent post on temporary basis. So long as there is no case for the management that sub-staff and Clerical staff of the management Bank will not come under the definition of 'workman' as defined in the I. D. Act, a person appointed in any of the categories on temporary basis will also be a workman as defined in the Industrial Disputes Act. Since the workman concerned will come under the definition of workman, any dispute on denial of employment could also be termed as an industrial dispute in order to attract adjudication process of this Tribunal. Therefore the preliminary objection raised against the dispute is only to be overruled. Regarding the competency of the union to espouse the case of the workman it is the contention of the management that the membership in the union can be available only to the serving employees and not to the employees who had worked once on temporary basis. The workman while working as a temporary Attender was a member of that union and for that there is no contra evidence. In view of that matter, such a union can raise an industrial dispute relating to an aggrieved workman. Moreover matters relating to dismissal or retrenchment etc., can be raised as

an industrial dispute by individual workman even without the help of registered trade unions. A registered trade union representing employees of the Management can very well raise an industrial dispute in relation to an employee who rendered service in the Management Bank. In view of that position, the competency of the union to raise this dispute cannot be assailed.

6. On the merit of the issue, the management has clearly admitted that immediately preceding the date of denial of employment to the workman, he had more than 240 days of continuous service. According to the workman from the 1st day of January 1990 to 31st day of December 1990, he rendered 322 days of service. The particulars of the service rendered in each month are also given in the claim statement. In view of the admitted position that the workman had rendered more than 240 days of continuous service, any form of dispensation of his service will also be retrenchment so as to attract Section 25-F of the I. D. Act. There is no case for the management that before retrenching the workman they had complied with the formalities viz., giving of one months' notice and payment of retrenchment compensation as provided in Section 25-F of the I. D. Act. The dispensation of service will not be a retrenchment only if the management can show that it will come under the exemption clause as contemplated in Sub-Section 2(oo)(bb) of the I. D. Act. In order to establish that the management will have to produce the order of appointment stipulating the conditions of his appointment. The exemption provided in the sub-clause will be applicable only if it is possible to establish that there was non-renewal of the contract of employment or there was expiry of the terms of contract or the termination was in the manner as stipulated in the appointment order. In the absence of any appointment order, the management cannot seek shelter under the exemption clause. Therefore this is a clear case of retrenchment in which the workman is entitled for protection as envisaged in Section 25-F of the I. D. Act. Till his services are validly terminated he is entitled for reinstatement and also for back wages during the period in which he was illegally kept out of service.

7. Before parting this award I would like to make a comment on one of the sentences contained in para 4 of the written statement filed by the management :

"Had the vacancy created at the said branch was not filled in any manner and Sri P. Sivaji had worked in such circumstances for more than 240 days, then the issue of his eligibility for absorption or otherwise may arise."

8. This sentence will only mean that if the workman could render service in the permanent vacancy on account of the leave or absence of the incumbent therein for more than 240 days, the eligibility for his absorption will be a matter for consideration. If such be the case, the management shall examine whether his absorption is possible by considering the rendering of service by the workman fairly for a long time.

9. Award is passed accordingly.

(Dated this the 15th day of November, 1994).

K. KANAKACHANDRAN

APPENDIX

(I. D. No. 14/92)

Witness examined on the side of the Management :

MW-1—Sivakesavan.

Witness examined on the side of the Union :

WW-1—K. S. Bhat.

Exhibit marked on the side of the Management :

NIL

Exhibit marked on the side of the Union :

W-1—Bonus Register.

W-2—Attendance Register for the year 1990.

K. KANAKACHANDRAN, Industrial Tribunal

नई दिल्ली, 7 दिसम्बर, 1994

का.आ. 3567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के पक्षों में, केन्द्रीय सरकार और ओरिएण्टल बैंक ऑफ़ कॉमर्स के प्रबंधन से संबंधित, नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार की 5-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/162/88-डी-IIए आईआर (बी-11)]
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3567.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 5-12-1994.

[No. I-12012/62/88 DIIA/IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M.S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

I.D. No. 51/88

Vijay Kumar Tanwar & Others. Vs. Oriental Bank of Commerce

For the Workmen : Sh. R.K. Chopra

For the Management : Sh. N.K. Zakhmi.

AWARD

Dated the 10th October, 1994

1. The judgement/Award shall dispose of all the below mentioned connected cases

Case No.	Parties Name
1. I.D. No. 51-A/88	Yogesh Kumar Vs. O.B.C.
2. I.D. No. 51-B/88	Smt. Sunita Rani Vs. O.B.C.
3. I.D. No. 51-C/88	Fatch Chand Vs. O.B.C.
4. I.D. No. 51-D/88	Indra Rani Vs. O.B.C.
5. I.D. No. 51-E/88	Kashmir Bala Vs. O.B.C.
6. I.D. No. 51-F/88	Satyabir Singh Vs. O.B.C.
7. I.D. No. 51-G/88	Bhagwan Dass Munjal Vs. O.B.C.
8. I.D. No. 51-H/88	Miss Usha Rani Vs. O.B.C.
9. I.D. No. 51-J/88	Ved Parkash Vs. O.B.C.
10. I.D. No. 51-K/88	A.K. Setia Vs. O.B.C.
11. I.D. No. 51-L/88	Harpreet Singh Vs. O.B.C.
12. I.D. No. 51-M/88	Gulshan Kumar Vs. O.B.C.
13. I.D. No. 51-N/88	Bhim Sain Vs. O.B.C.

All the cases were jointly argued by the representatives of the parties. Since identical question of law and facts are involved in all the cases and in order to avoid repetition, to my mind, it would be expedient, in the interest of justice, to decide all the cases vide this common judgement.

2. The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details of which have been given in the written statement of the management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate Government vide No. L-12012/162/88-D.II(A) dated 28-7-1988 referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

4. The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act 1947 (hereinafter referred to as the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. On all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with backwages, and all other benefits arising there upon, and continuity of service.

5. The management contested the claims of the workmen and filed written statement, inter alia pleading certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed in the written statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days, so they have no locus-standi to maintain their claims. The case set up by the management is that, the workmen are guilty of laches. It is next stated that for the posts of clerk-cadre in the bank recruitments are made through the medium of Banking service recruitment Board, who conducts tests, interview etc. and thereafter sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work of leave arrangement, as permissible in the Bipartite settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present references. It may be added here that, Shri Arvind Kumar, the then Ld. Presiding Officer, bifurcated the present reference No. I.D. 51/88 into I.D. 51/88 and I.D. 51-A to I.D. 51-M of 1989, vide his letter dated 20-4-1993.

6. Controverting the allegations of the written statement, and reiterating the stand taken in the respective claim statements, workmen filed the replications.

7. The cases were fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the case were stated for 24-8-1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petitions are not maintainable, and submitted, that preliminary objection taken by the management, in the written statements, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

8. Having heard the representatives of the parties, having gone through, the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserve dismissal.

9. The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been

terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

10. Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazette.

Section 25-II of the Act provides that where any workman are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workmen, who are citizen of India, to offer themselves for re-employment, and such retrenched workmen who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(oo) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non-renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenchee so as to attract the benefits provided U/S 25-F, G & H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act so they are entitled for re-instatement, is neither tenable nor the judgements relied upon by them in *Hindustan Steel Ltd. Vs. State of Orissa & Others* 1976 (33) FLR 257, *Kurukshetra Co-op. Bank Ltd and State of Haryana & Others* in CWP No. 11261 of 1989, *Rajbir Singh & Others Vs. State of Haryana*, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the

present cases. The crux of the proposition of law laid down in *Hindustan Steel Ltd. Vs. State of Orissa & Others*, *Kurukshetra Co-op Bank Ltd. and State of Haryana & Others* and *Rajbir Singh and Others Vs. State of Haryana* case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full backwages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenchees had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of *Gujarat Steel Tubes Ltd. Etc. Vs. Gujarat Steel Mazdoor Sabha & Others* AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those with service of 240 days and more and others with less. The workman with a record of 240 days, on the roll are a class who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement *Karnal Central Co-op Bank Limited, Karnal Vs. the Presiding Officer Industrial Tribunal-Labour Court Rohtak & Others* 1994(1)P.L.R. page 310, *State Bank of India Vs. M. V. Raval* 1981(1) S.L.R page 831. *The manager State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others* 1990(60) P.L.R. page 672 *Indian Airlines and Sebastian* 1991 (62) F.L.R page 755, *Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and others* 1990(5) SLR page 695 and CWP No. 13522 of 1991 *Hari Kshan Saini Vs. Presiding Officer Central Govt. Industrial Tribunal-Labour Court, and others of Punjab & Haryana High Court* decided on 4-3-1992.

Thus it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, then to my mind conclusion is unescapable that workmen who had not completed 240 days of their service had no industrial rights, which can be informed by the Tribunal under the Act. Even the Appropriate Government had not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D.B. Judgement of Hon'ble Punjab & Haryana High Court in *Mehar Singh Vs. State of Haryana & Others* 1994 (ii) L.J. page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in *Central Coop Bank Ltd. Karnal Vs. the Presiding Officer State Bank of India Vs. M. V. Raval*, *The manager State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur*, *Indian Airlines and Sebastian* and *Raj Bahadur Vs. Genl Manager Food Specialities Ltd. Moga* and CWP 13522/91 *Hari Kshan Saini Vs. The Presiding Officer (Supra)* are the complete answer to the problem in hand.

In the light of the aforesaid reasons I cannot help observing, that the workmen cannot possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently there is no merit in the reference petitions and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

CHANDIGARH.

Dated : 10-10-1994.

M. S. SULTAN, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

का.आ. 3568 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अजिमेन्ट बैंक आफ कॉमर्स के प्रबंधन में संलग्न नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अपडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 दिसम्बर, 1994 को प्राप्त हुआ था।

[नं. एल-12012/333/88-डीIIए/आईआर(बी2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 2568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-94.

[No. I-12012/333/88-D.II.A/IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SH. M.S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

1.D.No. 102/88

Vijay Kumar & Others Vs. Orientaj Bank of Commerce
For the Workman Sh. Sarbjit Singh
For the Management Sh. Rajiv Bhatia

AWARD

Dated the 10th October, 1995

1. This judgement/Award shall dispose of all the below mentioned connected cases :

Case No.	Parties Name
1. I.D. No. 102-A/88	Mahabir Parsad Vs. O.B.C.
2. I.D. No. 102-B/88	Vinod Kumar Guel Vs. O.B.C.
3. I.D. No. 102-C/88	Kushal Anand Vs. O.B.C.
4. I.D. No. 102-D/88	Shyam Sunder Vs. O.B.C.
5. I.D. No. 102-E/88	Ved Parkash Vs. O.B.C.
6. I.D. No. 102-F/88	Jagjit Singh Vs. O.B.C.
7. I.D. No. 102-G/88	Smt. Anita Kaushit Vs. O.B.C.
8. I.D. No. 102-H/88	Rajnish Bhardwaj Vs. O.B.C.
9. I.D. No. 102-I/88	Anil Sharma Vs. O.B.C.
10. I.D. No. 102-J/88	Smt. Ruchi Vs. O.B.C.
11. I.D. No. 102-K/88	Suman Kumar Chopra Vs. O.B.C.
12. I.D. No. 102-L/88	Labh Singh Vs. O.B.C.
13. I.D. No. 102-M/88	Sia Ram Vs. O.B.C.
14. I.D. No. 102-N/88	Anil Kumar Vs. O.B.C.

All the cases were jointly argued by the representatives of the parties. Since identical question of law and facts are involved in all the cases and in order to avoid repetition, to my mind, it would be expedient, in the interest of justice, to decide all the cases vide this common judgement.

2. The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period,

against leave vacancies/leave arrangement, the details of which have been given in the annexure attached with the written statement of the management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L-12012/333/88-D.II(A) dated 12 December, 1988 referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

4. The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act 1947 (hereinafter referred to as the Act), awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with backwages, and all other benefits arising thereupon, and continuity of service.

5. The management contested the claims of the workmen and filed written statement, inter alia, pleading certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed (in annexure A) of the written statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days, so they have no locus-standi to maintain their claims. The case set up by the management is that, the workmen are guilty of laches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are made through the medium of Banking Service Recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work of leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present references. It may be added here that, Shri Arvind Kumar, the then Id. Presiding Officer, bifurcated the present reference No. I. D. 102/88 into I. D. 102 and I. D. 102-A to 102-N of 1989, vide his order dated 20-4-1993.

6. Controverting the allegations of the written statement, and reiterating the stand taken in the respective claim statements, workmen filed the replications.

7. The cases were fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the cases were slated for 24-8-1994. On that day learned representative, appearing on behalf of the Management, contested with some amount of vehemence that reference/petition are not maintainable, and submitted, that preliminary objection taken by the management in the written statements, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

8. Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserve dismissal.

9. The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on tempo-

rary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen had put in continuous service of more than 89 days.

9. Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government of such authority as may be specified by the appropriate Government by notification in the official gazettee.

Section 25-II of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen, who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he was for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(oo) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as non renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenchee so as to attract the benefits provided U/S 25-F, G & H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for re-instatement, is neither tenable nor the judgements relied upon by them in Hindustan Steel Ltd. Vs. State of Orissa & Others 1976 (33) FLR 257, Kurukshetra Co-op. Bank Ltd. and State of Haryana & Others in CWP No. 11261 of 1989, Rajbir Singh & Others Vs. State of Haryana, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd. Vs. State of Orissa & Others, Kurukshetra Co-op. Bank Ltd. and State of Haryana & Others and Rajbir Singh and Others Vs. State of Haryana case (Supra) is that, non-compliance of Section 25-F would entitle the employee to be reinstated in service with full backwages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to

be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenchees had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. Etc. Vs. Gujarat Steel Mazdoor Sabha & Others AIR 1980 S. C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Co-op. Bank Limited, Karnal Vs. The Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak & Others 1994(1) P.L.R. page 310, State Bank of India Vs. M. V. Raval 1981(1) S.L.R. page 831, The manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others 1990(60) F.L.R. page 672, Indian Airlines and Sebastian 1991(62) F.L.R. page 755, Raj Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others 1990(5) SLR page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, and others of Punjab & Haryana High Court decided on 4-3-1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, to my mind, conclusion is inescapable that workmen who had not completed 240 days of their service, had no industrial rights which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D. B. Judgement of Hon'ble Punjab and Haryana High Court in Mehar Singh Vs. State of Haryana and others 1994(ii) LLJ page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in Central, Co-Op. Bank Ltd. Karnal Vs. The Presiding Officer, State Bank of India Vs. M. V. Raval, The manager, State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

CHANDIGARH

Dated : 10-10-1994

M. S. SULLAR, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

का.आ. 3569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार ओरियन्टल बैंक ऑफ कॉमर्स के प्रबन्धन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के

पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 दिसम्बर, 1994 को प्राप्त हुआ था।

[सं० एल-12012/415/89 डी/II/ए आईआर (बी-2)]
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

* S.O. 3569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-1994.

[No. L-12012/415/89-D.II(A)/IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. No. 32/90

Varinder Kumar Kansal and Others.

Vs.

Oriental Bank of Commerce,

For the Workmen : Shri Sajal Koser,

For the Management : Shri N. K. Zakhmi.

AWARD

Dated, the 10th October, 1994

The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details of which have been given in the annexure attached with the Statement of claim of the workmen. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L. 12012/415/89-D.II-A dated the 28th February, 1990, referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen, were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act, 1947 (hereinafter referred to as the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages, and all other benefits arising there upon, and continuity of service.

The management contested the claims of the workmen and filed Written Statement, inter-alia, pleading, certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed in the Written Statement. According to the management, the workmen have not put in continuous service of 240 days, none of the workmen had worked for more than 89 days. So they have no locus-standi to maintain their claims. The case set up by the management is that, the workmen are guilty of latches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are

made through the medium of Banking service Recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work or leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present reference.

Controverting the allegations of the written statement and reiterating the stand taken in the respective claim, statement, workmen filed the replication.

The case was fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the case was stated for 24-8-1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petition is not maintainable, and submitted, that preliminary objection taken by the management, in the written statements, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserves dismissal.

The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates, that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice. (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service of any part thereof in excess of six months, & (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazette.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(o) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non-renewal of contract between the employer and the workman concerned.

Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenchee so as to attract the benefits provided U/S 25-F, G & H of the Act.

The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for re-instatement, in neither tenable nor the judgements relied upon by them in Hindustan Steel Ltd. Vs. State of Orissa and others 1976 (33) FLR 257, Kurukshetra Co-op. and Ltd. and State of Haryana and others in CNP No. 11261 of 1989, Rajbir Singh and other Vs. State of Haryana, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd. Vs. State of Orissa and Others, Kurukshetra Co-op. Bank Ltd. and State of Haryana and Others and Rajbir Singh and Others Vs. State of Haryana and Others (Supra) is that, non-compliance of Section 25-F would entitle the employee to be reinstated in service with full back wages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenchees had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. etc. Vs. Gujarat Steel Mazdoor Sabha and Others AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Co-op. Bank Limited, Karnal Vs. the Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and Others 1944 (1) P.L.R. page 310, State Bank of India Vs. M. V. Raval 1981 (1) S.L.R. page 831, The Manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others 1990 (6) F.I.R. page 672, Indian Airlines and Sebastian 1991 (62) F.I.R. page 755.

Raj Bahadur Vs General Manager, Food Specialities Ltd. Moga and others 1990 (5) S.L.R. page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, and others of Punjab and Haryana High Court decided on 4-3-1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, to my mind; conclusion is unescapable that workmen who had not completed 240 days of their service, had no industrial rights, which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D. B. Judgement of Hon'ble Punjab and Haryana High Court in Mehar Singh Vs. State of Haryana and others 1994 (ii) LLJ page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in Central Co-op. Bank Ltd., Karnal Vs. The Presiding Officer, State Bank of India Vs. M. V. Raval, The Manager, State Bank of India Vs. Presiding Officer Industrial Tribunal (Central), Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager, Food Specialities Ltd., Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing that the workmen cannot possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petition, and the same is declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

M. S. SULLAR, Presiding Officer

Chandigarh,
Dated, 10-10-1994.

नई दिल्ली, 7 दिसम्बर, 1994

का.आ. 3570—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरियन्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 दिसम्बर, 1994 को प्राप्त हुआ था।

[स. एन-12012/451/89 डी/II/एआईआर(बी-2)]
बी.के.शर्मा, डस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh is shown in the Annexure in the Industrial Disputes between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5th December, 1994.

[No. I-12012/451/89-D.II(A)/IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. No. 33/90

Devinder Singh & Others.

Vs.

Oriental Bank of Commerce

For the Workman—Shri Sajal Kosser.

For the Management—Shri N. K. Zakhmi.

AWARD

Dated, the 10th October, 1994

The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details of which have been given in the annexure attached with the Statement of claim of the workmen. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L-12012/451/89-D-II-A dated the 1st March, 1990, referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen, were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act, 1947 (hereinafter referred to as the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workman, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages, and all other benefits arising there upon, and continuity of service.

The management contested the claims of the workmen and filed Written Statement, inter-alia, pleading, certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, mentioned in the Written Statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days. So they have no locus-standi to maintain their claims. The case set up by the management is that, the workman are guilty of laches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are made through the medium of Banking Service Recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work or leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present reference.

Controverting the allegations of the Written Statement and reiterating the stand taken in the respective claim statement, workmen filed the replication.

The case was fixed for proper orders on 14th June, 1994, as no Presiding Officer took over the charge and the case was slated for 24th August, 1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petition is not maintainable, and submitted, that preliminary objection taken by the management, in the written statements, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserves dismissal.

The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazette.

Section 25-H of the Act provides that where any workman are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen, who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in interrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less than 240 days.

The retrenchment has been defined under section 2(oo) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non-renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenched so as to attract the benefits provided U/S 25-F, G & H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for reinstatement, in neither tenable nor the judgements relied upon by them in Hindustan

tan Steel Ltd. Vs. State of Orissa & Others 1976 (33) FLR 257, Khrukshetra Co-op Bank Ltd. and State of Haryana & others in CWP No. 11261 of 1989 Rajbir Singh & Others Vs. State of Haryana, 1983(1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd. Vs. State of Orissa & Others, Kurukshetra Co-op. Bank Ltd. and State of Haryana & Others and Rajbir Singh and Others Vs. State of Haryana case (Supra) is that, non-compliance of Section 25-F would entitle the employee to be reinstated in service with full back wages and in those cases, the workmen had already completed more than 240 days of continuous service, with optional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenchees had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Lt. Etc. Vs. Gujarat Steel Mazdoor Sabha & Others AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Co-op. Bank Limited, Karnal Vs. The Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak & Others 1994(1) P.L.R. page 310, State Bank of India Vs. M. V. Raval 1981(1) S.L.R. page 831, The manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others 1990(60) F.L.R. page 672, Indian Airlines and Sebastian 1991 (62) F.L.R. page 755, Raj Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others 1990(5) SLR page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, and others of Punjab & Haryana High Court decided on 4th March, 1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, to my mind, conclusion is inescapable that workmen who had not completed 240 days of their service, had no industrial rights, which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the deferece of those employees who had not completed 240 days in view of the D. B. Judgement of Hon'ble Punjab & Haryana High Court in Mehar Singh Vs. State of Haryana & Others 1994 (ii) LLJ page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in Central Co-op. Bank Ltd. Karnal Vs. The Presiding Officer, State Bank of India Vs. M. V. Raval, The Manager, State Bank of India Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the completed answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing that the workmen can not possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same is declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled

to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

CHANDIGARH,

Dated : 10-10-1994.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

का.मा. 3571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबन्धतन्त्र के संबद्ध निबोजकों और उनके कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डागढ़ के पंचषट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/550/88-डी II/एम्पाईआर(बी-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-1994.

[No. L-12012/550/88-D.II-A/IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I. D. No. 45/89

Smt. Santosh Rani and Others.

Vs.

Oriental Bank of Commerce.

For the Workman—Shri S. K. Gupta.

For the Management—Shri Rajiv Bhatia.

AWARD

Dated, the 10th October, 1994

1. The matrix of the facts, culminating in the commencement of the present reference are that all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement the details of which have been given in the annexure attached with the written statement of the Management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L-12012/550/88-D.II (A) dated the 20th March, 1989 referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

2. The case set up by the workmen, in brief, in so far as relevant is that they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the service of the workmen, were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act 1947 (hereinafter referred to as

the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages, and all other benefits arising there upon, and continuity of service.

The management contested the claims of the workmen and filed Written Statement, inter-alia pleading, certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, mentioned on the Written Statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days so they have no locus-standi to maintain their claims. The case set up by the management is that, the workman are guilty of laches. It is next stated that for the posts of clerks-cadre in the bank, recruitments are made through the medium of Banking service recruitment Board, who conducts tests, interview etc, and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work or leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so the management prayed for the dismissal of the present reference.

Controverting the allegations of the written Statement and reiterating the stand taken in the respective claim, statement, workmen filed the replication.

The case was fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the case was slated for 24-8-1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petition is not maintainable, and submitted, that preliminary objection taken by the management, in the written statement, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

4. Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserve dismissal.

The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for reinstatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workman had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing indicating the reason for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) as may be prescribed; give an opportunity to the retrenched compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Govern-

ment or such authority as may be specified by the appropriate Government by notification in the Official Gazette.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed; give an opportunity (to the retrenched workmen who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(cc) of the Act to mean, the termination by the employer of the service of a workman for any reason whatsoever other wise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenched so as to attract the benefits provided U/S 25-F, G and H of the Act.

12. The sole contention of the representative of the workman that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for reinstatement, is neither tenable nor the judgements relied upon by them in Hindustan Steel Ltd. Vs. State of Orissa and Others 1976 (33) FLR 257, Kurushetra Co-op Bank Ltd. and State of Haryana and others in CWP No. 11261 of 1989, Rajbir Singh and Others Vs. State of Haryana, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd. Vs. State of Orissa and Others, Kurushetra Co-op Bank Ltd., and State of Haryana and Others and Rajbir Singh and Others Vs. State of Haryana case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full back wages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, not one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases any their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenches had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to

comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. etc. Vs. Gujarat Steel Mazdoor Sabha and Others AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Coop Bank Limited, Karnal Vs. the Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak and Others 1994 (1) P.L.R. page 310, State Bank of India Vs M. V. Raval 1981 (1) S.L.R. page 831. The manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and Others 1990 (60) F.L.R. page 672, Indian Airlines and Sebastian 1991 (62) F.L.R. page 755, Raj Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others 1990 (5) SLR page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, and others of Punjab and Haryana High Court decided on 4-3-1992.

Thus, it would be seen that, of the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, to my mind, conclusion is unescapable that workman who had not completed 240 days of their service, had no industrial rights which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D.B. Judgement of Hon'ble Punjab and Haryana High Court in Mehar Singh Vs. State of Haryana and others 1994 (ii) LLJ page 250. Thus it would be seen that the contention of the representatives of the workmen are neither tenable nor the judgement cited by them would come to their rescue. On the other hand, the judgements in Central Coop Bank Ltd. Karnal Vs. the Presiding Officer, State Bank of India Vs. M. V. Raval, The manager, State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and a CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

Chandigarh,

Dated : 10-10-1994.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

को.आ. 3572-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबन्धतन्त्र के संबंध में नियोजकों और उनके कर्मचारों के बीच अनबुंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशन करती है जो केन्द्रीय सरकार को 5-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/457/88-डीII / एआईआर (बी-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-1994.

[No. L-12012/457/88-DII A/IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I. D. No. 36/89

Ajit Singh and Others.

Vs.

Oriental Bank of Commerce.

For the Workmen—Mr. Sajai Kosar.

For the Management—Shri Rajiv Bhatia.

AWARD

Dated the 10th of October, 1994

1. This judgement/Award shall dispose of all the below mentioned connected cases :

Case No.	Parties Name
1. I. D. No. 36/89	Ajit Singh Vs. O.B.C.
2. I. D. No. 36-A/89	Miss Nripjit Kaur Vs. O.B.C.
3. I. D. No. 36-B/89	Miss Anita Walia Vs. O.B.C.
4. I. D. No. 36-C/89	Shashi Bala Vs. O.B.C.
5. I. D. No. 36-D/89	Miss Rajni Bala Vs. O.B.C.
6. I. D. No. 36-E/89	Devi Lal Vs. O.B.C.

All the cases were jointly argued by the representatives of the parties. Since identical question of law and facts are involved in all the cases and in order to avoid repetition, to my mind, it would be expedient, in the interest of justice, to decide all the cases vide this common judgement.

2. The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details of which have been given in the written statement of the management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L-12012/457/88-D.II (A) dated 23rd February, 1989, referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

4. The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act 1947 (hereinafter referred to as the Act) awards/bipartite settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen

claimed their reinstatement with back wages, and all other benefits arising there upon, and continuity of service.

5. The management contested the claims of the workmen and filed written statement, inter-alia, pleading certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed (in annexure 2) of the written statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days, so they have no locus-standi to maintain their claims. The case set up by the management is that, the workmen are guilty of latches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are made through the medium of Banking service recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work or leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present references. It may be added here that, Shri Arvind Kumar, the then Ld. Presiding Officer, bifurcated the present reference No. 1 I. D. 36/89 into I. D. 36 and I. D. 36-A to 36-E of 1989, vide his order dated 20-4-1993.

6. Controverting the allegations of the written statement, and reiterating the stand taken in the respective claim statements, workmen filed the replications.

7. The cases were fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the cases were slated for 24-8-1994. On that day, learned representative appearing on behalf of the Management, contended with some amount of vehemence, that reference/petition are not maintainable, and submitted, that preliminary objection taken by the management, in the written statements, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

8. Having heard the representatives of the parties, having gone through, the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserve dismissal.

9. The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

9. Now, the short and significant questions, though important, arises for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter VA of the Act. Section 25-F of the Act postulates that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen, who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, of a lock out or a cessation of work which is not due to any fault on the part of the workmen. Sub-clause (b) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(oo) of the Act to mean the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of services of a workman as a non renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above none of the workmen have completed more than 89 days, so, to my mind, they cannot possibly be termed as retrenched so as attract the benefits provided U/S 25-F, G and H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for reinstatement, is neither enable nor the judgements relied upon by them in Hindustan Steel Ltd. Vs. State of Orissa and Others 1976 (33) FLR 257, Kurukshetra Co-op. Bank Ltd. and State of Haryana and Others in CWP No. 1261 of 1989, Rajbir Singh and Others Vs. State of Haryana, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd. Vs. State of Orissa and Others, Kurukshetra Co-op Bank Ltd. and State of Haryana and Others and Rajbir Singh and Others Vs. State of Haryana case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full back wages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present case and their appointments were for a specified period, in the above mentioned judgements, it had not been disputed that the retrenched had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and cannot, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. etc. Vs. Gujarat Steel Mazdoor Sabha and

Others AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Coop Bank Limited, Karnal Vs. the Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak and others 1994 (1) P.L.R. page 310, State Bank of India Vs. M. V. Raval 1981 (1) S.L.R. page 831. The manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others 1990 (6) F.L.R. page 672, Indian Airlines and Sebastian 1991 (62) F.L.R. page 735, Raj Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others 1990 (5) SLR page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, and others of Punjab and Haryana High Court decided on 4-3-1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, there to my mind, conclusion is unescapable that workmen who had not completed 240 days of their service had no industrial rights, which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D.B. Judgement of Hon'ble Punjab and Haryana High Court in Mehar Singh Vs. State of Haryana and other 1994 (ii) LLJ page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgement cited by them would come to their rescue. On the other hand, the judgements in Central Coop Bank Ltd. Karnal Vs. the Presiding Officer, State Bank of India Vs. M. V. Raval, The manager, State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

M. S. SULLAR, Presiding Officer
CHANDIGARH,

नई दिल्ली, 7 दिसम्बर, 1994

का.आ. 3573.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरियन्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबंध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-12-94 को प्राप्त हुआ था।

[संख्या एल/12012/460/89-डीII/ए आईआर(बी-2)]
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-1994.

[No. I-12012/460/89-D.II(A)/IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. No. 36/90

Shri Darshan Singh and Others.

Vs.

Oriental Bank of Commerce.

For the Workmen : Shri D. R. Kaith.

For the Management : Shri N. K. Zakhmi.

AWARD

Dated, the 10th October, 1994

The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details of which have been given in the written statement of the Management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. I-12012/460/89-D.II-A dated the 21st March, 1990, referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen, were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act, 1947 (hereinafter referred to as the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages, and all other benefits arising there upon, and continuity of service.

The management contested the claims of the workmen and filed Written Statement, inter-alia, pleading, certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed in the Written Statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days. So they have no locus-standi to maintain their claims. The case set up by the management is that, the workman are guilty of laches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are made through the medium of banking service recruitment board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work or leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial right. That being so, the management prayed for the dismissal of the present reference.

Controverting the allegations of the written statement and reiterating the stand taken in the respective claim statement, workmen filed the replication.

The case was fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the case was stated for 21-8-1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petition is not maintainable, and submitted that preliminary objection taken by the management, in the written statements, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserves dismissal.

The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates, that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months, and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazette.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(cc) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, other than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non renewal of contract between the employer and the workman concerned.

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11. Thus it would be seen that combined heading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenched so as to attract the benefits provided U/S 25-F, G & H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for re-instatement, is neither tenable nor the judgements relied upon by them in Hindustan Steel Ltd. Vs. State of Orissa and Others 1976 (33) FLR 257, Kurukshetra Co-op. Bank Ltd. and State of Haryana and Others in CWP No. 11261 of 1989, Rajbir Singh and Others Vs. State of Haryana, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patna 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd. Vs. State of Orissa and Others. Kurukshetra Co-op. Bank Ltd. and State of Haryana and Others and Rajbir Singh and Others Vs. State of Haryana case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full back wages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenched had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. etc. Vs. Gujarat Steel Mazdoor Sabha and Others AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial Law. Reliance in this regard can also be placed to a judgement, Karnal Central Co-op. Bank Limited, Karnal Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and Others 1994 (1) P.J.R. page 310, State Bank of India Vs. M. V. Raval 1981 (1) S.L.R. page 831, The Manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others 1990 (60) F.I.R. page 672, Indian Airlines and Sebastian 1991 (62) F.I.R. page 755, Raj Bahadur Vs. General Manager, Food Specialities Ltd., Mora and others 1990 (4) SLR page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, and others of Punjab and Haryana High Court decided on 4-3-1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, then to my mind; conclusion is unescapable that workmen who had not completed 240 days of their service, had no industrial rights, which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D. B. Judgement of Hon'ble Punjab and Haryana High Court in Mehar Singh Vs. State of Haryana and others 1994 (ii) 111 page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in Central Co-op. Bank Ltd., Karnal Vs. The Presiding Officer, State Bank of India Vs. M. V. Raval, The Manager, State Bank of Indore Vs. Pre-

siding Officer, Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd., Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

Chandigarh,

Dated, 10-10-1994.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

का.आ. 3574—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अन्तर्गण में केन्द्रीय सरकार ऑरियन्टल बैंक ऑफ कॉमर्स के प्रबन्धतन्त्र पद्धति नियोजकों और उनके कर्मचारियों के बीच अन्तर्गण में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 5.12.94 को प्राप्त हुआ था।

[संख्या पञ्ज-12012/685/88-डी[[ए/आईआर(बी-2)]]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5th December, 1994.

[No. L-12012/685/88-D.II A/IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. No. 138/89

Kumari Arium Chadha and Others

Vs.

Oriental Bank of Commerce
For the Workmen—Shri R. K. Chopra,
For the Management—Shri Rajiv Bhatia

AWARD

Dated, the 10th October, 1994

1 This judgement/Award shall dispose of all the below mentioned connected cases:

Case No.	Parties Name
1. I.D. 138-A-89	Miss Anita Rani Vs. O.B.C.
2. I.D. 138-B/89	Satish Kumar Vs. O.B.C.
3. I.D. 138-C/89	Miss Vinod Bala Vs. O.B.C.
4. I.D. 138-D/89	Pardeep Kumar Vs. O.B.C.

5. I.D. 139-E/89 Satinder Kumar Vs. O.B.C.
6. I.D. No. 36/89 Ajit Singh & Others Vs. O.B.C.

All the cases were jointly argued by the representatives of the parties. Since identical questions of law and facts are involved in all the cases and in order to avoid repetition, to my mind, it would be expedient, in the interest of justice to decide all the cases vide this common judgement.

2. The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details in which have been given in the written statement of the management. The services of the workmen were terminated by the Management. In the wage of industrial disputes raised by the workmen, the appropriate government vide No. L-12012/685-88-D.II (A) dated the 28th August, 1989 referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

4. The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act, 1947 (hereinafter referred to as the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages and all other benefits arising there upon, and continuity of service.

5. The management contested the claims of the workmen and filed written statement, inter alia, pleading certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed in the written statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days, so they have no locus-standi to maintain their claims. The case set up by the management is that, the workmen are guilty of latches. It is next stated that for the posts of clerk-cadre in the bank, recruitment are made through the medium of Banking service recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work of leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present references. It may be added here that, Shri Arvind Kumar, the then I.D. Presiding Officer, bifurcated the present reference No. I.D. 138/89 into I.D. 138 and I.D. 138-A to I.D. 138-D of 1989, vide his order dated 20th April, 1993.

6. Controverting the allegations of the written statement and reiterating the stand taken in the respective claim statements, workmen filed the replications.

7. The cases were fixed for proper orders on 14th June, 1994, as no Presiding Officer took over the charge and the cases were slated for 24th August, 1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petitioners are not maintainable, and submitted that preliminary objection taken by the management, in the written statements,

in this direction, he decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference/petitions.

8. Having heard the representatives of the parties, having gone through, the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference/petitions which deserve dismissal.

9. The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

9. Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official Gazette.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workmen who are citizen of India to offer themselves for re-employment, and such retrenched workmen who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for in a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less than 240 days.

The retrenchment has been defined under section 2(oo) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenched so as to attract the benefits provided U/S 25-F, G & H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for re-instatement, is neither tenable nor the judgements relied upon by them in Hindustan Steel Ltd., Vs. State of Orissa & Others 1976 (33) FLR 25 Kurukshetra Co-Op. Bank Ltd. and State of Haryana & Others in CWP No. 11261 of 1989, Rajbir Singh & Others Vs. State of Haryana, 1983 (1) S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in Hindustan Steel Ltd., Vs. State of Orissa & Others, Kurukshetra Co-Op. Bank Ltd. and State of Haryana & Others and Rajbir Singh and Others Vs. State of Haryana case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full backwages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenched had already completed 240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. Etc. Vs. Gujarat Steel Mazdoor Sabha & Others AIR 1980 S. C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Co-Op. Bank Limited, Karnal Vs. the Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak & Others 1994(1) P.L.R. page 310, State Bank of India Vs. M. V. Raval 1981 (1) S.L.R. page 831. The manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others 1990 (60) F.L.R. page 672, Indian Airlines and Sebastian 1991 (62) F.L.R. page 755, Rai Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others 1990 (5) SLR page 695 and CWP No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, and others of Punjab & Haryana High Court decided on 4-3-1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, then to my mind, conclusion is escapable that workmen who had not completed 240 days of their service, had no industrial rights, which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D. B. Judgement of Hon'ble Punjab and Haryana High Court in Mehra Singh Vs. State of Haryana and others 1994(ii) L.J. page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in Central Co-Op. Bank Ltd. Karnal Vs. the Presiding Officer, State Bank of India Vs. M. V. Raval. The manager, State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenched and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same are declined. It is held that the action

of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

CHANDIGARH.

Dated : 10-10-1994

M. S. SULLAR, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

का.ग्रा.3575—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरियन्टल बैंक ऑफ कॉमर्स के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/748/88-डीIIए/आईआर (बी-2)]
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3575.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-1994.

(No. L-12012/748/88 DIIA/IR(B-II))
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M.S. SULLAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 182/89

Puran Chand & Others. Vs. Oriental Bank of Commerce.

For the Workman.—Sh. Sajal Koser.

For the Management.—Sh. N. K. Zakhmi.

AWARD

Dated the 10th October, 1994

The matrix of the facts, culminating in the commencement of the present reference are that, all the petitioners were appointed on temporary basis, for a specified period, against leave vacancies/leave arrangement, the details of which have been given in the written statement of the Management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L. 12012/748-88-D.II-A dated the 2nd November, 1989, referred the dispute for adjudication to this

Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

The case set up by the workmen, in brief, in so far as relevant is that, they were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen, were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act 1947 (hereinafter referred to as the Act) awards/bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages, and all benefits arising there upon, and continuity of service.

The management contested the claims of the workmen and filed Written Statement, inter-alia, pleading, certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed (in annexure) of the Written Statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days, so they have no locus standi to maintain their claims. The case set up by the management is that, the workman are guilty of laches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are made through the medium of Banking service recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointment in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work or leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present reference.

Controverting the allegations of the written Statement and reiterating the stand taken in the respective claim Statement, workmen filed the replication.

The cases were fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the cases were slated for 24-8-1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference/petitions are not maintainable, and submitted, that preliminary objection taken by the management, in the written state-

ments, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference petitions.

8. Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, here is no merit in the reference petitions which deserve dismissal.

9. The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

10. Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazettee.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen, who are citizen of India to offer themselves for re-employment, and such retrenched workmen, who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub clause (2) of that section

says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less 240 days.

The retrenchment has been defined under section 2(00) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than as a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenchee so as to attract the benefits provided U/S 25-F, G & H of the Act.

12. The sole contention of the representative of the workman that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for re-instatement, is neither tenable nor the judgement relied upon by them in *Hindustan Steel Ltd. Vs. State of Orissa & Others* 1976 (33) FLR 257, *Kurukshetra Co-op. Bank Ltd. and State of Haryana & Others* in CWP No. 11261 of 1989, *Rajbir Singh & Other u/s. State of Haryana*, 1983(1) S.L.R. 38, the *Municipal Committee Gobindgarh vs. The Presiding Officer, Labour Court, Patiala* 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in *Hindustan Steel Ltd. Vs. State of Orissa & Others*, *Kurukshetra Co-op. Bank Ltd. and State of Haryana & Others* and *Rajbir Singh and Others Vs. State of Haryana* case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full backwages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 29 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenches had already completed 240 days of their services. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as

claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of Gujarat Steel Tubes Ltd. Etc. Vs. Gujarat Steel Mazdoor Sabha & Others AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who hereby only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, Karnal Central Coop Bank Limited Karnal Vs. the Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak & others 1994 (1) P.L.R. page 310, State Bank of India Vs. M. V. Raval 1981 (1) S.L.R. page 831, The manager, State Bank of Indore, Kanpur Vs. Presiding Officer, Industrial Tribunal (Central Kanpur and others 1990 (60) F.L.R. page 672, Indian Airlines and Sebastain 1991 F.L.R. page 755, Raj Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others 1990 (5) SLR page 695 and CPW No. 13522 of 1991 Hari Kishan Saini Vs. Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, and others of Punjab & Haryana High decided on 4-3-1992.

Thus it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, then to my mind conclusion is unescapable that workmen who had not completed 240 days of their service, had no industrial rights, which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D.B. Judgement of Hon'ble Punjab & Haryana High Court in Mehar Singh Vs. State of Haryana & other hand, the judgements in Central Coop. Bank seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in Central Coop. Bank Ltd. Karnal Vs. the Presiding Officer, State Bank of India Vs. M. V. Raval, The manager, State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastain and Raj Bahadur Vs. General Manager Food Specialities Ltd. Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra) are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenches and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions; and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

CHANDIGARH.

Dated : 10-10-1994

M. S. SULLAR, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1994

का.आ.3570—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरियन्टल बैंक आफ कॉमर्स के प्रबन्धतन्त्र के संबन्ध नियोजकों और उनके कर्मकार के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट क प्रकाशित करती है जो केन्द्रीय सरकार की 5-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/764/87-डीIIए/आईआर (बी-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 7th December, 1994

S.O. 3576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 5-12-1994.

[No. L-12012/764/87-DII/IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M.S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 30/88

Parful Chander & Others Vs. Oriental bank of Commerce.

For the Workman Sh. T.C. Sharma

For the Management Sh. Rajiv Bhatia

AWARD

Dated the 10th October, 1994

1. This judgement/Award shall dispose of all the below mentioned connected cases :

Case No.	Parties Name
1. I.D. No. 30-A/88	Ved Singh Kundu Vs. O.B.C.
2. I.D. No. 30-B/88	Om Parkash Vs. O.B.C.
3. I.D. No. 30-C/88	Harish Kumar Jain Vs. O.B.C.
4. I.D. No. 30-D/88	Madan Lali Vs. O.B.C.
5. I.D. No. 30-E/88	Sushmai Sharma Vs. O.B.C.
6. I.D. No. 30-F/88	Nareth Kumar Vs. O.B.C.
7. I.D. No. 30-G/88	Om Parhash Vs. O.B.C.
8. I.D. No. 30-H/88	Anil Kumar Goel Vs. O.B.C.
9. I.D. No. 30-I/78	Miss Umerh Kumari Vs. O.B.C.
10. I.D. No. 30-J/88	Surendera Bhatia Vs. O.B.C.
11. I.D. No. 30-K/88	Mt kesh Kumar Vs. O.B.C.
12. I.D. No. 30-L/88	Anil Kumar Bansal Vs. O.B.C.

All the cases were jointly argued by the representative of the parties. Since identical question of law and facts are involved in all the cases and in order to avoid repetition, to my mind, it would be expedient, in the interest of justice, to decide all the cases vide this common judgement.

2. The matrix of the facts, culminating in the commencement of the present reference are that, all the

petitioners were appointed on temporary basis, for a specified period, against leave vacancies|leave arrangement, the details of which have been given in the written statement of the management. The services of the workmen were terminated by the Management. In the wake of industrial disputes raised by the workmen, the appropriate government vide No. L-12012|764|I/87-D.II(A) dated the 12th July, 1988 referred the dispute for adjudication to this Tribunal, as to whether the action of the Management of Oriental Bank of Commerce, in terminating the services of the workmen and not considering them for further employment, is justified? If not, to what relief are the concerned workmen entitled to?

4. The case set up by the workmen, in brief, in so far as relevant is that, they, were appointed as clerks after completing the required formalities in the branches of the Oriental Bank of Commerce but no appointment letters were given to them. They had worked for less than 89 days. According to the workmen, to accommodate some other persons, the services of the workmen were terminated without any termination order and without following the mandatory provisions of Industrial Disputes Act, 1947 (hereinafter referred to as the Act) awards|bipartite Settlement, as no compensation in lieu of their termination was paid to the workmen. In all, it has been alleged by the workmen, that their termination is illegal and against the mandatory provisions of law. On the footing of aforesaid pleadings, the workmen claimed their reinstatement with back wages, and all other benefits arising thereupon, and continuity of service.

5. The management contested the claims of the workmen and filed written statement, inter alia, pleading certain preliminary objections to the effect, that the workmen were never engaged against any permanent vacancies. They were appointed purely on temporary basis and for specific period, as detailed in the written statement. According to the management, the workmen have not put in continuous service of 240 days. None of the workmen had worked for more than 89 days, so they have no locus-standi to maintain their claims. The case set up by the management is that, the workmen are guilty of laches. It is next stated that for the posts of clerk-cadre in the bank, recruitments are made through the medium of Banking service recruitment Board, who conducts tests, interview etc. and thereafter, sponsored the candidates for regular appointments in the bank. There were no permanent vacancies, and the workmen were appointed only on temporary basis for the specified period, either in exigencies of work of leave arrangement, as permissible in the Bipartite Settlement of 1966. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workmen. In all, it has been alleged that since none of the workmen had completed continuous service of 240 days, so, they have no industrial rights. That being so, the management prayed for the dismissal of the present references. It may be added here that, Shri Arvind Kumar, the then Id. Presiding Officer, bifurcated the present reference No. I.D. 30/88 into I.D. 30 and I.D. 30-A to 30-L of 1988, vide his order dated 20-4-1993.

6. Controverting the allegations of the written statement and reiterating the stand taken in the respective claim statements, workmen filed the replications.

7. The cases were fixed for proper orders on 14-6-1994, as no Presiding Officer took over the charge and the cases were slated for 24-8-1994. On that day, learned representative, appearing on behalf of the Management, contended with some amount of vehemence, that reference|petitions are not maintainable, and submitted, that preliminary objection taken by the management, in the written statement, in this direction, be decided first. Faced with the situation, learned representatives for workmen, sought time for arguments on the question of the maintainability of the reference|petitions.

8. Having heard the representatives of the parties, having gone through the record of the case and after bestowal of thoughts on the entire matter, to my mind, there is no merit in the reference|petitions which deserve dismissal.

9. The facts of all the cases are neither intricate, nor in dispute. According to the workmen, their services have been terminated without complying with the mandatory provisions of law, and they are entitled for re-instatement under the Act. While on the other hand, according to the management, none of the workman had put in continuous service of more than 89 days and their appointments were purely on temporary basis for a specific period. The workmen had no industrial rights under the Act. The undisputed facts, rather admitted, cases of the parties are that 'none' of the workmen, had put in continuous service of more than 89 days.

10. Now, the short and significant questions, though important, arise for determination in these cases are, whether workmen are entitled to any relief, as contemplated under chapter V-A of the Act. Section 25-F of the Act postulates that no workman employed in any industry, who has been in continuous service for not less than one year under an employer, shall be retrenched by that employer unless (a) the workman has been given one month's notice in writing, indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, (b) the workman has been paid, at the time of retrenchment, compensation, which shall be equivalent of fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazettee.

Section 25-H of the Act provides that where any workmen are retrenched, and the employer proposes to take into his employment any person, he shall, in such manner as may be prescribed, give an opportunity (to the retrenched workmen, who are citizen of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons.

Chapter VA of the Act deals with the retrenchment of an employee.

Section 25-B lays down that a workman shall be said to be in continuous service for a period if he has for that period in interrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman. Sub-clause (2) of that section says that where a workman is not in continuous service within the meaning of Clause (1) for a period of one year or six months he shall be deemed to be a continuous service under an employer for a period of one year. If the workman, during which calculation is to be made, has actually worked under the employer for not less than 240 days.

The retrenchment has been defined under section 2(oo) of the Act to mean the termination by the employer of the service of a workman for any reason what-so-ever, otherwise than a punishment inflicted by way of disciplinary action but does not include (bb) termination of service of a workman as a non renewal of contract between the employer and the workman concerned.

11. Thus it would be seen that a combined reading of the provisions mentioned above would go to show that retrenched persons are those persons, who had put in 240 days of continuous service. Admittedly, as mentioned above, none of the workmen have completed more than 89 days, so, to my mind, they can not possibly be termed as retrenchee so as to attract the benefits provided U/S. 25-F, G & H of the Act.

12. The sole contention of the representative of the workmen that since the workmen were appointed by the management for specified period and their services were terminated without complying with the mandatory provisions of the Act, so they are entitled for re-instatement, is neither tenable nor the judgements relied upon by them in *Hindustan Steel Ltd. Vs. State of Orissa and Others* 1976 (33) FLR 257, *Kurukshetra Co-operative Bank Ltd. and State of Haryana and Others* in CWP No. 11261 of 1989, *Raibir Singh and Others Vs. State of Haryana*, 1983(1), S.L.R. 38, the Municipal Committee Gobindgarh Vs. The Presiding Officer, Labour Court, Patiala 1993 (3) S.L.R. 265 are applicable to the facts of the present cases. The crux of the proposition of law laid down in *Hindustan Steel Ltd. Vs. State of Orissa & Others*, *Kurukshetra Co-operative Bank Ltd. and State of Haryana & Others* and *Raibir Singh and Others Vs. State of Haryana* case (Supra) is that, non compliance of Section 25-F would entitle the employee to be reinstated in service with full back wages and in those cases, the workmen had already completed more than 240 days of continuous service, with notional breaks, which was held to be unfair labour practice. Possibly, no one can dispute about the proposition of law laid down in the aforesaid judgements. The same would not come to the rescue of the workmen, as they had not completed more than 89 days of service in the present cases and their appointments were for a specified period. In the above mentioned judgements, it had not been disputed that the retrenchees had already completed

240 days of their service. It is now well settled that, if a workman had not put in 240 days of service, they have no industrial rights under the Act, and can not, therefore, avail of the machinery under the Act, for the settlement of their dispute. The policy of the Act, draws a distinction between those, with service of 240 days and more, and other with less. It was not necessary for the management, in the present cases, to comply with the provisions of the Act, before dispensing with the services of the petitioners, as claimed by them. Hon'ble Supreme Court of India has categorically observed in para 159 of a judgement in case of *Gujarat Steel Tubes Ltd. etc. Vs. Gujarat Steel Mazdoor Sabha and others* AIR 1980 S.C. page 1896, that policy of the Act draws a distinction between those, with service of 240 days and more and others with less. The workmen with a record of 240 days, on the roll, are a class, who have only rights under the Industrial law. Reliance in this regard can also be placed to a judgement, *Karnal Central Coop. Bank Limited, Karnal Vs. the Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak & Others* 1994(1) P.L.R. page 310, *State Bank of India Vs. M. V. Raval* 1981(1) S.L.R. page 831. The manager, State Bank of Indore, *Kanpur Vs. Presiding Officer, Industrial Tribunal (Central) Kanpur and others* 1990(60) F.L.R. page 672, *Indian Airlines and Sebastian* 1991(62) F.L.R. page 755. *Raj Bahadur Vs. General Manager, Food Specialities Ltd. Moga and others* 1990(5) SLR page 695 and CWP No. 13522 of 1991. *Hari Kishan Saini Vs. Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, and others of Punjab & Haryana High Court* decided on 4-3-1992.

Thus, it would be seen that, if the aforesaid provisions of the Act are put together and are analysed in relation to the law laid down in the aforesaid judgements, then to my mind, conclusion is unescapable that workmen who had not completed 240 days of their service had no industrial rights which can be enforced by the Tribunal under the Act. Even the Appropriate Government has not formed a correct opinion in sending the reference of those employees who had not completed 240 days in view of the D.R. Judgement of Hon'ble Punjab & Haryana High Court in *Mehar Singh Vs. State of Haryana & others* 1994 (ii) LLJ page 250. Thus it would be seen that the contentions of the representatives of the workmen are neither tenable nor the judgements cited by them would come to their rescue. On the other hand, the judgements in *Central Cooperative Bank Ltd. Karnal Vs. the Presiding Officer, State Bank of India Vs. M. V. Raval, The manager, State Bank of Indore Vs. Presiding Officer Industrial Tribunal (Central) Kanpur, Indian Airlines and Sebastian and Raj Bahadur Vs. General Manager Food Specialities Ltd Moga and CWP 13522/91 Hari Kishan Saini Vs. The Presiding Officer (Supra)* are the complete answer to the problem in hand.

In the light of the aforesaid reasons, I can not help observing, that the workmen can not possibly be termed as a retrenchees and are not entitled for any benefit under the Act. Consequently, there is no merit in the reference petitions, and the same are declined. It is held that the action of the management of Oriental Bank of Commerce in terminating

the services of the workmen is justified and they are not entitled to any benefit of the provisions of the Act. The appropriate Government be informed accordingly.

Chandigarh.

Dated :

M. S. SULLAR, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 1994

का.आ. 3577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार औडिनेन्स फैक्टरी, खमारिया, जबलपुर के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट की प्रकाशित करती है जो केन्द्रीय सरकार को 5-12-94 को प्राप्त हुआ था।

[संख्या एल-14012/9/83-डी-2(बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 9th December, 1994

S.O. 3577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory, Khamaria, Jabalpur and their workmen, which was received by the Central Government on 5-12-1994.

[No. L-14012/9/83-D.II(B)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT|LC(R)(18)|1989
BETWEEN

Shri Sukhoo C/o. Shri J. P. Mishra, C/20, NES Colony, Jabalpur.

AND

The General Manager, Ordnance Factory, Khamaria, Jabalpur.

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman.—Shri S. P. Sharma, Advocate.

For Management.—Shri B. Da'Silva, Advocate.

INDUSTRY : Ordnance Factory

DISTRICT : Jabalpur (M.P.)

AWARD

Dated, November, 21, 1994

This is a reference made by the Central Government in the Ministry of Labour vide Notification No.

2874 G4/94—12

L-14012/9/83-D.II(B) dated Nil for adjudication of the following dispute :—

SCHEDULE

"Whether the action of the management of Ordnance Factory, Khamaria, Jabalpur in retiring Shri Sukhoo by taking his date of birth as 1-12-1914 is justified? If not, to what relief the workman is entitled and from what date?"

2. The admitted facts of the case are that the workman, Shri Sukhoo, was appointed as a Labour in Ordnance Factory Khamaria, Jabalpur, with effect from 3-12-1962 and the date of birth of the workman was entered into the record of the management was 1-12-1914.

3. The case of the applicant is that his actual date of birth is 10-3-1929 and that the management has made false entry in their record that the date of birth of the workman is 1-12-1914; that the management published a Factory Order stating that the workman has attained the age of superannuation i.e. 60 years on 4-9-1974 and in spite of the fact the applicant made the representation for the correction of the age the management retired him from service with effect from 4-9-1974 taking his date of birth as 1-12-1914. The applicant has prayed that the correction be made in the record of the management regarding the date of his birth which is 10-3-29 and all the consequential benefits be awarded to the applicant.

4. The reply of the management is that the workman at no point of time, during the service, has claimed that his date of birth is 10-3-1929 and now the applicant cannot get his date of birth altered as per Rules. The management has alleged that under Army Instructions No. 200 and under F.R. 56 there is no provision for the alteration in the date of birth in the Service Book after the period of five years. It is further alleged that the workman has never produced any certificate to support his claim of date of birth and as such the workman is not entitled for the relief as claimed.

5. After filing of the statement of claim and the written statement the case was posted for the issues and the learned Counsel for the management raised the objection that in view of the observation made by the Hon'ble Supreme Court in case of Union of India Vs. Harnam Singh 1993 AIR 1993 (SC) p. 1367 the reference is to be answered in favour of the management and the claim of the workman for the correction of age and consequential benefits is not tenable.

6. The workman was retired from service with effect from 4-9-1974. It is not pleaded that the workman made any representation or attempt to get his date of birth corrected in the record. This reference for the correction of the age is made after 15 years of the retirement of the workman. No explanation, whatsoever, tendered by the workman in the statement of claim or during arguments regarding the inordinate delay in raising the dispute regarding the correction of his date of birth. Army Instruc-

tions No. 200 and F.R. 56 lays down that once the date of birth recorded in the Service Book is accepted then it cannot be altered after the period of five years. Consequently, in the backdrop of aforesaid circumstances the case of the workman appears to be palpably false and was after thought. The failure of the workman to file any certificate in support of his date of birth further fortify the conclusion that the claim of the workman is false. As such, the learned Counsel for the workman rightly agreed that in view of the observations made in the aforesaid citation AIR 1993 SC p. 1367 the reference is to be answered in favour of the management.

7. Consequently, it is held that the action of the management in retiring the workman by taking his date of birth as 1-12-1914 is justified and the workman is not entitled for any benefits. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 12 दिसम्बर 1994

का.आ. 3578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में भारत कोकिंग कोल लि. की ईस्ट भगतडीह कोलियरी के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनवाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-12-94 को प्राप्त हुआ था।

[संख्या एल-20012(170)/91-आईआर(कोल-1)]

ब्राज मोहन, डैस्क अधिकारी

New Delhi, the 12th November, 1994

S.O. 3578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of East Bhuggatdih Colliery of M/s. Bharat Coal Ltd. and their workmen, which was received by the Central Government on 6-12-94.

[No. 20012(170)/91-IR(COAL)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 125 of 1991

PARTIES :

Employers in relation to the management of East Bhuggatdih Colliery of M/s. B. C. C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—None.

Dated, the 24th November, 1994

AWARD

By Order No. L-20012(170)/91-IR.(Coal-I), dated 25-11-1991, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of East Bhuggatdih Colliery, Area No. VIII of M/s. Bharat Coking Coal Ltd. P. O. Kustore, Distt. Dhanbad in dismissing Sri Durga Saw, Miner/Loader w.e.f. 20-8-90 from the services of the company is justified? If not, to what relief the workman is entitled?”

2. The concerned workman, Durga Saw was dismissed from service on the result of a departmental enquiry in which the charge of misconduct levelled against him was found to have been established. Ext. M-1 is the charge-sheet which reveals the following charge :

“You fraudulently entered in the employment as Durga Saw, son of Late Sukar Saw, a permanent employee of East Bhuggatdih Colliery, although your real name is Durga Rai, Son of Late Jairam Rai of Village-Maldro, P.O. Nagorikiyari, P. S. Govindpur, Dist. Dhanbad.

The above charge is based on the report received from the Incharge Security, BCCL.

If the above charge is proved it would constitute misconduct within the provision of Standing Orders applicable to you viz. charge.

Charge No. I.—Section (29) Sub-Section (17) Giving of false information regarding your name and father's name at the time of employment.

Charge No. II.—Section (29) Sub-Section (19) Any breach of the Indian Mines Act, or any other act, or of any rules or bye-laws thereunder, or of Standing Orders.”

By this order the workman was also suspended with immediate effect.

3. The workman, through Ext. M-2, had then filed his explanation dated 19-1-90 refuting the charge that he was actually Durga Rai, son of Late Jairam Rai asserting that he was in fact Durga Saw son of Sukar Saw. He claimed that his father, who was an employec of the company, had submitted affidavit during his life time on the basis of which he was appointed. He further claimed that his mother was still alive and he could present her before the authorities. He claimed to be the only son of his parents and that certain persons were making false allegation in order to extract money from him and his mother. Obviously this explanation was not found to be satisfactory and the Agent of East Bhuggatdih Colliery through his letter dated 25-1-1990 appointed one Sri B. K. Singh, Dy. Personnel Manager as Enquiry Officer to enquire into the charge.

4. It is against this back-drop that after dismissal of the workman an industrial dispute was raised by he workman himself though the written statement was filed under the signature of the President of United Coal Workers Union. According to this written statement, Durga Saw was appointed as Miner Loader in place of his father Sukar Saw who was declared physically unfit by the Medical Board of the Company and, as such, Durga Saw joined work the Company and, as such, Durga Saw joined work in East Bhuggutdih Colliery on 27-4-1989. He was appointed after completion of all formalities. Then this written statement goes on to narrate as to how the departmental enquiry was held, claiming that after the conclusion of the enquiry, but while the workman had remained under suspension, his subsistence allowance was stopped. It has been prayed to hold the action of the management to be not justified and to grant the workman further relief.

5. The management also submitted its written statement-cum-rejoinder claiming that the workman was actually one Durga Rai son of Late Jairam Rai, a resident of Village-Mandru, P.O. Nagarkiyari, P.S.-Govindpur, Dist. Dhanbad, who had assumed the name of Durga Saw, son of Sukar Saw of Village-Masmohna, P. S. Kodarma, Dist. Giridih and had entered into the service under provision of 9.4.3 of NCWA-III, as dependent son of Sukar Saw who was declared medically unfit by the Medical Board. It has further been averred that a complaint was received from the Security Department and a charge-sheet dated 18-7-90 was issued and a fair departmental enquiry was conducted in which the charge against the workman was established. It has been contended that Tulsi Saw, brother of Sukar Saw had gave his statement in the departmental enquiry as well before the officer of the Security Department who had conducted preliminary enquiry in which he had stated that late Sukar Saw had no child.

It has been claimed that B. N. Singh of Security Department had conducted the preliminary enquiry who had gone to the village Mandru, P.O. Nagarkiyari, P. S. Givindpur, Dist. Dhanbad with the photograph of the concerned workman where it was made clear that the workman was actually one Durga Rai, son of late Jairam Rai of that village. It has been stated that on consideration of the materials on the record including enquiry report, the competent authority ordered dismissal of the workman who was dismissed from service vide letter dated 18/20-8-90 (Ext. M-7).

6. It will appear that earlier Sri L. Burman was appearing on behalf of the workman. Sri L. Burman has since expired. It appears that the workman remained unrepresented since 4-8-92. On my joining here, vide order dated 29-12-93 issuance of a notice to the concerned workman was ordered at his given address, which was returned unserved with the remark of the Postal Department—"Left". But since in this case both sides had filed their written statements and since in this case the workman was dismissed as a result of the domestic enquiry and since the documents of domestic enquiry had been brought on the record, all that had remained to be done was to hear the parties on merit, on the basis of the materials on the record, and to render the award. Since no one was appearing on behalf of the workman, this Tribunal decided to proceed under Rule 22 of the Industrial Disputes (Central) Rules, 1957 and to decide the matter after hearing the argument of the party present. This way Sri B. Joshi, learned Counsel appearing for the management has been heard and the reference has been posted for rendering of the award.

7. The points for consideration are whether or not the management has proved, through evidence led before the Enquiry Officer, the charge of misconduct levelled against the workman and, if so, whether the punishment of dismissal was just and proper.

8. From the record of the domestic enquiry it will appear that the concerned workman, Durga Saw, had participated in the enquiry. From the proceeding dated 26-4-90 it will appear that when the charge was read over to the proceedee, he claimed that the charges were baseless. It appears that the Enquiry Officer first recorded the statement of the management's representative who reiterated the charge of the management that the proceedee was actually Durga Rai, son of Jairam Rai but he had entered into service as Durga Saw, son of late Sukar Saw who was a permanent employee of East Bhuggatdih Colliery. The learned Enquiry Officer also allowed the management's representative to be cross-examined on his statement and, in reply to the first question as to on what basis he claimed that the proceedee was actually named Durga Rai, the management's representative replied that the basis was the preliminary enquiry held by the In-charge of Security. The management's representative further admitted that before engaging the proceedee into service, enquiries were made about him and after that he was inducted into service as Durga Saw since at that time there was no complaint that he actually was named Durga Rai.

9. About complaint of Tulsi Saw, said to be the brother of Sukar Saw, the management's representative said in reply to another question that at the time of appointment of the proceedee Tulsi Saw was residing at Bhuggatdih. He also admitted that in the enquiry before appointment of the proceedee it was found that he was really Durga Saw son of Sukar Saw. He also admitted that this enquiry was held by the Govindpur P. S. which found that this Durga Saw was the son of late Sukar Saw.

10. The management—representative in his statement has spoken about the enquiry by the Incharge

of Security. That enquiry report of Sri B. N. Singh, the Senior Assistant is Ext. M-4 from which it will appear that besides villagers he also had taken statement of Dulari Devi said to be the wife of Sukar Saw and the mother of Durga Saw and as also of Tulsi Saw. He also has annexed photo copies of their statements. But, evidently, none of the co-villagers whose statements were so recorded, had been produced as witness during the domestic enquiry except Tulsi Saw. In a decision of Hon'ble Supreme Court reported in 1972 Lab. I. C. 188 (B. S. E. Supply Company Vs. the Workmen), their Lordships had held that if a letter or document was produced to prove some facts which were relevant to the enquiry the writer must be produced or his affidavit must be filed, and the Opposite Party should be afforded opportunity. Therefore, it is not possible to consider the mere statements recorded by a witness when the persons making the statements were not produced in the domestic enquiry.

11. The next witness produced by the management was Sri B. N. Singh, Senior Assistant in Crime & Intelligence Department, Dhansar. He said that on 12-7-89 Tulsi Saw had filed a complaint petition and the was entrusted with the job of conducting enquiry into the allegation. This witness further said that he had conducted enquiry and had filed connected papers besides which he had nothing to say. In cross-examination he admitted that a complaint was filed by Tulsi Saw making allegation against Durga Saw. Giving his opinion about his finding during the enquiry this witness said that the permanent address of late Sukar Saw and that of Durga Saw had differed. He also said that he had obtained certificate from the Mukhiya at Gram Bhandaro, P. S. Govindpur.

12. The next witness and the most important one, was Tulsi Saw. He said that he knew Durga Saw since last 11 or 12 years when he had started living with Sukar Saw alongwith his 'MOUSI'. He admitted that Durga Saw used to take his meal with Sukar Saw. He also claimed that Sukar Saw had no son of his own. He claimed that Durga Saw was not son of Sukar Saw. But in examination-in-chief itself he admitted that he had no written certificate to show that Durga Saw was not the son of Sukar Saw. He also said that Sukar Saw during his life time had promised him to give Rs. 10,000- for the marriage of his daughter. He admitted that when even after death of Sukar Saw he did not get the money, he filed the complaint (against Durga Saw). He brazenly admitted that had he received the money, there was no need for him to complain that Durga Saw was not the son of late Sukar Saw. It may again be noted that all this he had said in examination-in-chief.

13. This witness was cross-examined by the pro-ceedee himself. During cross-examination he admitted that Sukar Saw had two wives. The second wife he had kept since last 20-25 years whose name he did not know. He also said that when the second wife was living with Sukar Saw the witness himself used to live there. He admitted that after the death of Sukar Saw he had gone to call the pro-ceedee from the village Maro. He also admitted that in the cremation of Sukar Saw, funnel pyre was lit by Durga Saw. When the pro-ceedee asked

him as to whether he was born while the witness Tulsi Saw was there, the witness answered that Durga Saw was born in his absence, hence he could not say as to whether or not Durga Saw was actually son of Sukar Saw. He also admitted that Durga Saw was living with Sukar Saw since last 20 years and he was raised by Sukar Saw.

14. Therefore, this most important witness of the management demolishes the value of his statement himself. He does not appear to be an impartial witness because he has admitted that had he received money from the property of Sukar Saw he would not have filed complaint against Durga Saw. He also admitted that Sukar Saw had two wives and the second wife was living with him since last 20/25 years. He also admitted in the last that he had seen Durga Saw with Sukar Saw since last 20 years and that Sukar Saw had raised him.

15. Another witness was Prithbi Choudhury, Coal Supplier, who knew Sukar Saw since last 30 years. He said that a woman was living with Sukar Saw since 25-30 years. He also said that since 2/3 years Durga Saw started living with Sukar Saw and his wife, but he never enquired from Sukar Saw as to whose son Durga Saw was and why he was living with him.

16. This is all the management's evidence. The evidence of witness B. N. Singh is based on hearsay evidence which can hardly be relied upon. As already seen, no reliance can be placed upon the evidence of Tulsi Saw who appears to have a selfish motive for making the complaint that he made. The evidence of Prithbi Choudhury also does not help the management because he has also admitted that a woman was living with Sukar Saw since 25-30 years. His evidence that he had seen Durga Saw living since only last 2 to 3 years also can not be taken note of seriously because the brother of Sukar Saw himself has admitted that Durga Saw was living with Sukar Saw since last 20 years and it was Sukar Saw who had raised him.

17. Durga Saw had produced himself as his witness and had supported his explanation submitted on receipt of the charge-sheet. During cross-examination he showed good acquaintance about the family members of Sukar Saw and has given satisfactory replies about his daughter, whom he has referred as his sister. He also has correctly named the father of Sukar Saw because the same name was given by Tulsi Saw also. He also has given satisfactory reply about family properties.

18. The second witness on his behalf is Dulari Devi who has claimed that she was married to Sukar Saw and had a son, Durga Saw and a daughter, Meera Devi, already married. She said that her husband had his house at Hazaribagh but after her marriage neither he went there nor he took Dulari Devi who has claimed that she was married to Sukar Bhugatdih when they were living in the house of Gula Rajwar on rent. During cross-examination she admitted that Tulsi Saw was her "Debar". There is nothing in the cross-examination of this witness so as to cast any doubt about her claim of marriage

with Sukar Saw and her claim that Durga Saw was born to them.

19. Next witness is Gulan Rajwar who said that Sukar Saw was living in his house with his wife, Dulari Devi, who was 'Ghatwarin' by caste, on rent. He said that Durga Saw was the son of Sukar Saw. It does not appear that his witness was cross-examined.

20. This is all the evidence on the record.

21. In his report of preliminary enquiry Sri B. N. Singh has referred to the difference in the cast of the two. But this has been explained in the evidence of Gulan Rajwar. Law does not prohibit marriage between persons belonging to different castes.

22. Therefore, I find that whereas the evidence adduced by the management in the domestic enquiry is either unreliable or hearsay, the evidence rendered on behalf of the proceedee stands on of much firmer footing and is more reliable.

23. Therefore, it has to be held that considering the materials on the record, it cannot be held that the management has proved the charge of misconduct levelled against the workman concerned. This being so, the finding of the Enquiry Officer in his enquiry report must be held to be erroneous. This being so, it must be held that the dismissal from service was improper and unjust. This follows that the concerned workman is entitled to be reinstated into the service.

24. So far grant of other relief is concerned, it may be noted that this reference was received in this Tribunal in 1991. The workman and his representative had left taking any interest in the case since 4-8-1992. Therefore this negligence of the workman has contributed to delay in disposal. Therefore, I don't find that the workman is also entitled to the entire back wages. Under the circumstances, the ends of justice would be served if the workman is allowed 50 per cent of his back wages.

25. Following is the award.—The action of the management of East Bhuggatdih Colliery, Area No. VIII of M/s. B.C.C. Ltd., P.O. Kustore, Dist; Dhanbad in dismissing Durga Saw, Miner/Loader with effect from 20-8-1990 from the service of the company is not justified. The management is directed to reinstate the workman in his post immediately on this award becoming enforceable. The workman is also entitled to be paid 50 per cent of his back wages within three months of this award becoming enforceable. If the back wage aforesaid is not offered for payment by the management within three months of this award becoming enforceable, thereafter this amount shall be payable to the workman with interest at the rate of 12% to be computed from the date of publication of the award in the official Gazette, till the payment is offered.

Under the circumstances of the case there would be no order as to the cost.

P. K. SINHA, Presiding Officer.

नई दिल्ली 15 दिसम्बर, 1994

का.आ. 3579 :—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के खण्ड 2 के उप खंड (केबी) द्वारा केन्द्र सरकार दिनांक 1 दिसम्बर 1994 से अधिनियम के उपबन्धों के अन्तर्गत कार्यक्षेत्र में लाई गई स्थापनाओं के संबंध में उक्त अनुसूची के कालम (3) में बताए गए क्षेत्र के लिए कालम (2) में बताए गए अधिकारियों को वसूली अधिकारियों की शक्तियां प्राधिकृत करती है :—

सारणी

क्रम सं०	नाम एवं अधिकारी का पदनाम	क्षेत्र जिसके लिए शक्तियों का प्रयोग किया जाना है।
1	2	3
1.	श्री बी. विजय कुमार सहायक भविष्य निधि आयुक्त थिरुवनथापुरम।	केरल राज्य, लक्षद्वीप का संघ क्षेत्र और पाण्डिचेरी राज्य में माहे का क्षेत्र
2.	श्री सुरेन्द्र बाहेरा सहायक भविष्य निधि आयुक्त भुवनेश्वर।	उड़ीसा राज्य

[सं. आर-11013/2/90-एसएस-II]

जे.पी. शुकला, अवसर सचिव

New Delhi, the 15th December, 1994

S.O. 3579.—To exercise of the powers conferred by clause (kb) of Section 2 of the E.P.F. & M.P. Act, 1952 (19 of 1952) the Central Government hereby authorises the Officers mentioned in Column (2) of the Schedule to exercise the powers of Recovery Officer under the said Act on and from the 1st day of December, 1994 for the areas mentioned in Column (3) of the said Schedule in relation to all the establishments covered under the provision of the said Act in the respective areas :—

S. No.	Name and Designation of the Officer	Area in relation to which jurisdiction to be exercised.
1	2	3
1.	Shri V. Vijay Kumar, Assistant Provident Fund Commissioner, Thiruvananthapuram	The State of Kerala, Union Territory of Lakshadweep and area of Mahe in the Territory of Pondicherry.
2.	Shri Surendra Behera, Assistant Provident Fund Commissioner, Bhubaneswar.	The State of Orissa.

[No. R-11013/2/90-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 15 दिसम्बर, 1994

का.आ. 3580.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के खण्ड 2 के उपखण्ड (के बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा दिनांक 3 जुलाई, 1990 को भारत सरकार, श्रम मंत्रालय की अधिसूचना सं. का. आ.-533 (ई) दिनांक 29 जून, 1990 में निम्नलिखित संशोधन करती है अर्थात् उक्त सूचना की अधिसूची में :—

- (1) क्रम संख्या 2 के सामने कालम 2 के अन्तर्गत प्रविष्टियों के लिए निम्नलिखित को प्रतिस्थापित किया जाए अर्थात् :—

“श्री एन.के. प्रसाद
क्षेत्रीय भविष्य निधि आयुक्त
पटना”

- (2) क्रम संख्या 3 के सामने कालम 2 के अन्तर्गत प्रविष्टियों के लिए निम्नलिखित को प्रतिस्थापित किया जाये अर्थात् :—

“श्री आर.बी. जाटव
सहायक भविष्य निधि आयुक्त
दिल्ली”

- (3) क्रम संख्या 10 के सामने कालम 2 के अन्तर्गत प्रविष्टियों के लिए निम्नलिखित को प्रतिस्थापित किया जाए अर्थात् :

“श्री सी. एल. नायक
सहायक भविष्य निधि आयुक्त
बम्बई”

[संख्या आर-11013/2/90-एमएस-II]

जे. पी. शुक्ला, अवसर सचिव

New Delhi, the 15th December, 1994

S.O. 3580.—In exercise of the powers conferred by Clause (Kb) of Section 2 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the Notification of the Government of India, Ministry of Labour S.O. No. 533(E) dated the 29th June, 1990 published in Part II Section 3, sub-section (ii) of the Gazette of India, Extra-Ordinary dated the 3rd July, 1990, namely :—

In the Schedule to the said notification,

- (i) against serial No. 2 for the entry under column (2), the following shall be substituted,

Shri N. K. PRASAD,
Regional Provident Fund Commissioner,
PATNA.”

- (ii) against serial No. 3 for the entry under column (2), the following shall be substituted,

ed, namely :—

“SHRI R. B. JATAV,
Assistant Provident Fund Commissioner,
DELHI.”

- (iii) against serial No. 10 for the entry under Column (2), the following shall be substituted, namely :—

“SHRI C. L. NAIK,
Assistant Provident Fund Commissioner,
BOMBAY.”

[No. R-11013/2/90-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 15 दिसम्बर, 1994

का.आ. 3581.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1-1-1995 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय-3 धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है (और अध्याय-5 और 6) धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है, के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे अर्थात् :—

राजस्व ग्राम का नाम	होबली	तालुक	जिला
व ग्राम पंचायत			

हनसमराना हल्ली ग्राम पंचायत			
हनसमराना हल्ली	}	जाला	बंगलौर
			उत्तर
भारतीनगर			
कोडागला हट्टी			
हासाहल्ली			
मुगाट्टी	}		

कट्टीगना हल्ली ग्राम पंचायत

कट्टीगना हल्ली	}	जाला	बंगलौर
पालनाहल्ली			उत्तर
द्वारकानगर			
बयायापन्नाहल्ली			
सतनूर			
बेतालसौर ग्राम पंचायत	}		

सोनापन्ना हल्ली	जाला	बंगलौर	बंगलौर
		उत्तर	

डोडाजाला ग्राम पंचायत

डोडाजाला जाला बंगलौर बंगलौर
 गेट्टीगेरे ग्राम उत्तर
 चिककाजाला

[संख्या : एस-38013/17/94-एसएस1]

जे.पी. शुकला, अवर सचिव

New Delhi, the 15th December, 1994

S.O. 3581.—In exercise of the powers conferred

by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 1995 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka, namely :—

Name of the Revenue Village or Municipal Limits	Hobli	Taluk	District
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HUNASAMARANA HALLI VILLAGE PANCHAYAT

Hunasarana Halli Bharthinagar Kodagala Hatti Hosahalli Suggattii	Jala	Bangalore North	Bangalore
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KATTIGENA HALLI VILLAGE PANCHAYAT

Kattigena Halli Palana Halli Dwarakanagar Byayappana Halli Satanur	Jala	Bangalore North	Bangalore
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BETTALSOOR VILLAGE PANCHAYAT

Sonnappana Halli	Jala	Bangalore North	Bangalore
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DODDAJALA VILLAGE PANCHAYAT

Doddajala Shettigere C. Village Chikkajala	Jala	Bangalore North	Bangalore
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[No. S.-38013/17/94—SS.I]

J.P. SHUKLA, Under Secy.

